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# WHO MAY VOTE?

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## A COMPILATION

OF THE

## STATUTE LAW

RELATING TO THE

### *ELECTORAL FRANCHISE IN ONTARIO!*

*For the use of Officers connected with the Registration of  
Voters, and preparation and revision of Voters' Lists,  
and all interested in preparing for Dominion,  
Provincial, Municipal and School  
Elections.*

*By ALEXANDER FORSYTH SCOTT,*

COUNTY JUDGE OF PEEL.

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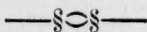
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*Entered according to Act of Parliament of Canada, in  
the Year One Thousand Eight Hundred and Eighty-five,  
by Alexander Forsyth Scott, in the Office of the Minister  
of Agriculture.*

## INTRODUCTION.



The object of this work is to give, in as compact a form as an exact following of the words of the enactments may allow, a Compendium of the Statute Law as it will be in force on and after the First day of January next, relating to the right to vote at the various public elections in Ontario.

This involves the abstract right of voting, as defined and limited by the several statutes giving it, and the practical and effectual right, depending upon the voters' names being properly placed upon the lists of voters. The first is fixed by the enactments respecting the Franchise, the other regulated by those respecting Voters' Lists. These are found together in the Dominion Act, which is here given entire. In the Ontario Statutes they are treated as distinct subjects and under distinct Acts, which have been so amended from time to time that some uncertainty, and a good deal of inconvenience are experienced by many of those who have to carry out the law in its details. To remedy this, the amendments have here been incorporated with the older Acts, leaving only the new enactments in the later ones, the whole forming an equivalent to a consolidation. At the same time care has been taken, by means of suitable references, to prevent any misleading as to the actual place in the Statutes of any particular enactment.

The subject is treated of under the four heads of—Dominion, Provincial, Municipal and Educational Franchise. The Ontario laws respecting Voters' Lists are under the head



## II.

of Provincial Franchise. Forms of Oaths are given in some cases, not for use at elections, that being beyond the scope of this work, but because they sometimes throw light on doubtful points in the Statutes. It may however be found more convenient to use them in this form than any other at Municipal Elections. A full index is added.

The right to vote at the various elections, and the means of ascertaining and confirming that right, only are dealt with. The elections themselves and proceedings thereat, or in respect thereof, are not touched upon, except in connection with the right of voting. No attempt is now made at annotation, that being reserved for a future edition after some experience in carrying into effect the very considerable changes that have lately been made in the Franchise, and time for further amendments if found necessary.

It is hoped that this work may be found of service, not only to those mentioned in the title page, but to the general public, and that each Elector may be led to find out for himself what are his rights and privileges as such, and to enquire and decide honestly and intelligently how these should be exercised.

Brampton, 2nd November, 1885.



PART I.

—†(†)†—

DOMINION FRANCHISE.

—†(†)†—

PERSONS ENTITLED TO VOTE AT ELECTIONS OF MEMBERS TO SERVE IN  
THE HOUSE OF COMMONS OF CANADA.

—†(†)†—

ACT OF PARLIAMENT OF THE DOMINION OF CANADA,  
48th VICTORIA.

—†(†)†—

CHAP. 40.

An Act respecting the Electoral Franchise.

[Assented to 20th July, 1885.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. This Act may be cited as "*The Electoral Franchise Act*."

INTERPRETATION.

2. In this Act, unless it is otherwise expressly provided, or unless there is in the context something inconsistent with or repugnant to such construction, the following words and expressions have the meanings hereinafter assigned to them, respectively :—

"Owner," when it relates to the ownership of real property situated in the Province of Quebec, means "proprietor" or "usufructuary" (*usufruitier*) either in his own right, or in the right of his wife, of real property in "franc alleu," or in free and common socage ; and when one person has the mere right of property or legal estate in any real property in the said Province and some other person has the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same property for his own use as aforesaid, the person who has the mere right of property or legal estate therein shall not have the right of being registered as a voter or of voting under this Act in respect of such property, but in such case the person having the usufructuary enjoyment (*usufruit*) shall alone have the right of being registered as a voter and of voting in respect of such property under this Act ;

"Owner" when it relates to the ownership of real property situate elsewhere in Canada than in the Province of Quebec, means the proprietor either in his own right or for his own benefit, or if such pro-

prietor be a married man it means the proprietor in his own right, or in the right of his wife, of freehold estate, legal or equitable, in lands and tenements held in free and common soccage of which such person is in actual possession, or is in receipt of the rents and profits ;

"Tenant" means as well a person who is bound to render to his landlord some portion of the produce or of the revenues or profits of the property leased, in lieu of rent, as a person who pays rent in money therefor ;

"Occupant" means a person in actual occupation of real property otherwise than as "owner," "tenant," or "usufructuary," in his own right, or in the case of a married man, in his own right or in the right of his wife, and who receives to his own use and benefit the revenues and profits thereof ;

"Person" means a male person, including an Indian, and excluding a person of Mongolian or Chinese race ;

"Farm" means land actually occupied by the owner thereof and not less in quantity than twenty acres ; and "farmer" means such owner thereof ;

"City" means a place incorporated as a city or recognized as such, by or under any Act of the Parliament of Canada or of the Legislature of the Province in which it is situate ; except the cities of Hull and St. Hyacinthe, in the Province of Quebec, which, for the purposes of this Act, shall be held to be towns ;

"Town" means a place incorporated as a town or recognized as such, by or under any Act of the Parliament of Canada or of the Legislature of the Province in which it is situate ;

"Incorporated village" means a place incorporated as a village or recognized as such, by or under any act of the Parliament of Canada or of the Legislature of the Province in which it is situate ;

"Parish" means any tract of land which is generally reputed to form a parish, whether such tract has or has not been wholly or in part originally erected into a parish by the civil or ecclesiastical authorities, and which now exists as a territorial division ;

"Father" includes grandfather, stepfather and father-in-law, and "mother" includes stepmother and mother-in-law ;

"Farmer's son" means any male person not otherwise qualified to vote and being the son of an owner and actual occupant of a farm, and includes a grandson, stepson or son-in-law ;

"Son of an owner of real property" in cities and towns means any male person not otherwise qualified to vote and being the son of an owner and occupant of real property, and includes a grandson, stepson or son-in-law ; and in counties means any male person not otherwise qualified to vote and being the son of an owner and occupant of real property other than a farm, and includes a grandson, stepson or son-in-law ;

"Electoral district" means any place (consisting of or comprising any city, town, county, township, parish, district or municipality, or portion thereof,) in Canada, entitled to return a member to the House of Commons of Canada ;

"Election" means an election of a member to serve in the House of Commons of Canada ;

"Voting" and "to vote" mean voting and to vote at the election of a member to serve in the House of Commons of Canada ;

"List of voters" means the list of registered voters, to be prepared and revised under the provisions of this Act in each year, for each sub-division or polling district of an electoral district, when finally revised, except when the first general list or an unrevised list is especially mentioned or referred to ;

"Actual value" or "value" means the then present market value of any real property, if sold upon the ordinary terms of sale, in respect of which any person claims to be qualified, whether as owner, tenant, occupant or farmer's or other owner's son, as determined by the revising officer, upon the best information in his possession at the time of such revision : Provided, that the assessment rolls as finally revised for municipal purposes, shall be *prima facie* evidence of the value of such property ;

"Real property" means a lot or portion of a lot or other portion or sub-division of real property, or a house, store, office or building of any description whatsoever, or any portion thereof, situate upon real property, and forming part thereof ;

"Section" means a section of this Act ;

"The Province" means that Province of the Dominion in which the revising officer in the case or matter referred to, is appointed ;

"The revising officer" means any revising officer appointed for the place referred to in the context, and competent to do the thing required ;

2. If the time limited by this Act for any proceeding or for the doing of any act under its provisions expires or falls upon a Sunday or day which is a public holiday or holiday under "*The Interpretation Act*," the time so limited shall be extended to, and such act may be done upon the day next following which is not a Sunday or such a holiday as aforesaid.

#### QUALIFICATION OF VOTERS IN CITIES AND TOWNS.

3. Every person shall, upon and after the first day of January in the year of Our Lord one thousand eight hundred and eighty-six, be entitled to be registered on the list of voters for any electoral district or portion thereof in Canada, being a city or town or part of a city or town, or including any city or town or part of a city or town, and when so registered to vote at any election for such district, if such person—

(1.) Is of the full age of twenty-one years, and is not by this Act or by any law of the Dominion of Canada disqualified or prevented from voting, and

(2.) Is a British subject by birth or naturalization, and

(3.) Is the owner of real property within any such city or part of a city, of the actual value of three hundred dollars, or within any such town or part of a town, of the actual value of two hundred dollars ;—  
or

(4.) Is the tenant of any real property within any such city or town or part of a city or town, under a lease, at a monthly rental of at least two dollars, or at a quarterly rental of at least six dollars, or at a half-yearly rental of at least twelve dollars, or at an annual rental of at least twenty dollars, and has been in possession thereof as such tenant for at least one year next before the first day of January, in the year of Our Lord one thousand eight hundred and eighty-six, or in any subsequent year, and has really and *bona fide* paid one year's rent for such real property at not less than the rate aforesaid : Provided, that the year's rent so required to be paid to entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, quarterly or monthly day of payment, as the case may be, which shall have occurred next before the date of the certificate of the final revision of the list of voters made by the revising officer as hereinafter mentioned ; except where the rental is an annual one and for a larger sum than twenty dollars, in which case at least twenty dollars of the last year's rent which shall have accrued next before the date of the said certificate must have been paid ; and provided also, that a change of tenancy during the year shall not deprive the tenant of the right to vote if such change is without any intermission of time, and the several tenancies are such as would entitle the tenant to vote had such tenant been in possession under either of them, as such tenant, for the year next before the date of the said certificate ; and provided further that where on any revised or final assessment roll the amount of the tenant's rent is not stated, the fact that the real property in respect of which he is entered on such roll as the tenant thereof is assessed in cities at three hundred dollars or more, or in towns at two hundred dollars or more, shall be *prima facie* evidence of his right to be registered as a voter ;—or

(5.) Is the *bona fide* occupant of real property within any such city or part of a city, of the actual value of three hundred dollars, or within any such town or part of a town of the actual value of two hundred dollars, whether such occupation is under a license of occupation or agreement to purchase from the Crown or from any other person or corporation, or exists in any other manner except as owner or tenant : Provided in any case, that such person has been in possession of such real property as such occupant for one year next before the first day of January, in the year of Our Lord one thousand eight hundred and eighty-six or in any subsequent year, and is and has been for such time in the enjoyment of the revenues and profits thereof,



for the use of such occupant, or in the case of a married man, for this own use or for the use of his wife ; or—

(6.) Is a resident within such city or town, or part of a city or town, and derives an income from his earnings, or from some trade, calling, office or profession, or from some investment in Canada, of not less than three hundred dollars annually, and has so derived such income and has been such resident for one year next before the said first day of January, in the year of Our Lord one thousand eight hundred and eighty-six, or in any subsequent year ; or—

(7.) Is the son of any owner of real property and not otherwise qualified to vote, and

(a.) If his father is living, is and has been resident upon such property continuously with his father, being such owner, in such city or town or part of a city or town for one year next before the first day of January, in the year of our Lord one thousand eight hundred and eighty-six, or in any subsequent year, if the real property on which his father resides and in respect of which such father is qualified to vote under this Act as owner, is of sufficient value if equally divided amongst them as co-owners, to qualify them as voters under this Act, in which case both the father and such one or more sons as may desire may be so registered as voters ; and if the said real property is not of sufficient value to give the father and each of several sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of such real property shall belong only to the father or to the father and the eldest or such of the elder sons, being so resident as aforesaid, as the value of the real property when equally divided will qualify ;—or

(b.) If his father is dead, is and has been resident upon such property continuously with his father, or his mother after the death of his father (being such owner) in such city or town or part of a city or town, for one year next before the first day of January in the year of Our Lord one thousand eight hundred and eighty-six, or in any subsequent year, if the real property on which his father (or his mother after the death of his father) resided or resides, and in respect of which such father would be qualified to vote under this Act as owner if living, is of sufficient value if equally divided among all of his sons as co-owners, to qualify them as voters under this Act, in which case such one or more sons as may desire may be so registered as voters ; and if the said real property is not of sufficient value to give each of several sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of such real property shall belong only to the eldest or such of the elder sons, being so resident as aforesaid, as the value of the real property when equally divided will qualify :—

Provided, that in either case, in order to entitle him to vote, each such son must at the time of the election for the electoral district in which he tenders his vote, be so resident with his father (or mother after the death of his father) ; but occasional absence of a son from

the residence of the father or mother, for not more in all than six months in the year, shall not disqualify such son as a voter under this Act.

#### IN COUNTIES.

4. Every person shall, upon and after the first day of January in the year of Our Lord one thousand eight hundred and eighty-six, be entitled to be registered on the list of voters for any electoral district or portion thereof in Canada, other than a city or town or portion of a city or town, and when so registered to vote at any election for such electoral district, if such person—

(1.) Is of the age of twenty-one years and is not by this Act or by any law of the Dominion of Canada disqualified or prevented from voting; and

(2.) Is a British subject by birth or naturalization; and

(3.) Is the owner of real property within any such electoral district of the actual value of one hundred and fifty dollars;—or

(4.) Is the tenant of any real property within any such electoral district, under a lease, at a monthly rental of at least two dollars, or at a quarterly rental of at least six dollars, or at a half-yearly rental of at least twelve dollars, or at an annual rental of at least twenty dollars, in money, in kind or in money's worth of like value (except when the real property is situated in an incorporated village, in which case the rental must be payable in money only), and has been in possession thereof as such tenant for at least one year next before the first day of January in the year of Our Lord one thousand eight hundred and eighty-six, or in any subsequent year, and has really and *bona fide* paid one year's rent for such real property at not less than the rate aforesaid: Provided, that the year's rent so required to be paid to entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, quarterly or monthly day of payment, as the case may be, which shall have occurred next before the date of the certificate of the final revision of the list of voters made by the revising officer as hereinafter mentioned; except where the rental is an annual one and for a larger sum than twenty dollars, in which case at least twenty dollars of the last year's rent which shall have accrued next before the date of the said certificate must have been paid; and provided also, that a change of tenancy during the year shall not deprive the tenant of the right to vote, if such change is without any intermission of time, and the several tenancies are such as would entitle the tenant to vote had such tenant been in possession under either of them, as such tenant, for the year next before the date of the said certificate: Provided further, that where on any revised or final assessment roll the amount of a tenant's rent is not stated, the fact that the real property in respect of which he is entered on such roll as tenant thereof is assessed at one hundred and fifty dollars, or over that sum, shall be held to be *prima facie* evidence of his right to be registered as a voter; or—



(5.) Is the *bona fide* occupant of real property within such electoral district of the actual value of one hundred and fifty dollars, whether such occupation be under a license of occupation or agreement to purchase from the Crown or from any other person or corporation, or exists in any other manner except as owner or tenant: Provided in any case, that such person has been in possession of such real property as such occupant, for one year next before the first day of January in the year of Our Lord one thousand eight hundred and eighty-six or in any subsequent year, and is and has been for the said time in the enjoyment of the revenues and profits thereof for the use of such occupant, or in the case of a married man for his own use or for the use of his wife; or—

(6.) Is a resident within such electoral district, and derives an income from his earnings in money or money's worth, or from some trade, office, calling, or profession, or from some investment in Canada, of not less than three hundred dollars annually, and has so derived such income and has been such resident for one year next before the said first day of January in the year of Our Lord one thousand eight hundred and eighty-six, or in any subsequent year; or—

(7.) Is a farmer's son not otherwise qualified to vote; and—

(a.) If his father is living, is and has been resident continuously on the farm of his father, in such electoral district, for one year next before the first day of January in the year of Our Lord one thousand eight hundred and eighty-six, or in any subsequent year, if the said farm is of sufficient value, if equally divided amongst them as co-owners, to qualify them as voters under this Act, in which case the father, and such one or more sons as may desire may be registered on the list of voters; and if there be more than one son resident as aforesaid on the farm, and claiming to be registered as voters in respect thereof, and the farm is not of sufficient value to give the father and each of such sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of the farm shall belong only to the father or to the father and the eldest or such of the elder of the sons, being so resident as aforesaid, as the value of the farm when equally divided will qualify; or—

(b.) If his father is dead,—is and has been resident continuously on the farm of his father (or mother after the death of his father) in such electoral district, for one year next before the first day of January in the year of Our Lord eighteen hundred and eighty-six, or in any subsequent year, if the said farm is of sufficient value, if equally divided among all of the sons of such father as co-owners, to qualify them as voters under this Act, in which case such one or more sons as may desire may be registered on the list of voters;—and if there be more than one son resident as aforesaid on the farm and claiming to be registered as voters in respect thereof, and the farm is not of sufficient value to give each of such sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of the farm, shall belong only to the eldest or

such of the elder of the sons, being so resident as aforesaid; as the value of the farm when so equally divided will qualify :—

Provided that, in either case, in order to entitle him to vote, the son must at the time of the election for the electoral district in which he tenders his vote, be so resident with his father (or mother after the death of his father) ; but occasional absence of a son from the farm for not more in all than six months in the year shall not disqualify such son under this Act as a voter ;—or

(8.) Is the son of any owner of real property in such electoral district, other than a farm (and not otherwise qualified to vote), and—

(a.) If his father is living,—is and has been resident upon such property continuously with his father, being such owner, for one year next before the first day of January in the year of Our Lord one thousand eight hundred and eighty-six, or in any subsequent year, if the real property on which his father resides and in respect of which such father is qualified to vote under this Act as owner, is of sufficient value if equally divided amongst them as co-owners, to qualify them as voters under this Act, in which case both the father and such one or more sons as may desire may be registered as voters ; and if the said property be not of sufficient value to give the father and each of such sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of such real property shall belong only to the father, or to the father and the eldest or such of the elder of the sons, being so resident as aforesaid, as the value of the real property when equally divided will qualify ; or—

(b.) If his father is dead,—is and has been resident upon such property continuously with his father (or his mother after the death of his father) being such owner, for one year next before the first day of January in the year of Our Lord one thousand eight hundred and eighty-six, or in any subsequent year, if the real property on which his father (or his mother after the death of his father) resided or resides, and in respect of which such father would be qualified to vote under this Act as owner if living, is of sufficient value, if equally divided amongst all of his sons as co-owners, to qualify them as voters under this Act, in which case such one or more sons as may desire may be registered as voters ;—and if the said property be not of sufficient value to give each of such sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of such real property shall belong only to the eldest or such of the elder of the sons, being so resident as aforesaid, as the value of the real property when equally divided will qualify :—

Provided that, in either case, in order to enable him to vote, such son must, at the time of the election for the electoral district in which

he tenders his vote, be so resident with his father (or mother after the death of his father); but occasional absence of the son from the residence of the father or mother for not more in all than six months in the year, shall not disqualify such son as a voter under this Act; or—

(9.) Is a fisherman, and is the owner of real property and boats, nets, fishing gear and tackle within any such electoral district, which together are of the actual value of one hundred and fifty dollars.

#### APPLICABLE TO ALL ELECTORAL DISTRICTS.

5. The qualifications required of voters under section three, shall apply to voters in a city or town or the part of a city or town attached to a county or riding of a county in any electoral district, for electoral purposes under this Act, and the qualifications required of voters under section four, shall apply to voters in such municipalities or places not being cities or towns or portions of cities or towns, as are attached to or included for electoral purposes in cities or towns or portions of cities or towns.

6. Wherever two or more persons are, either as business partners, joint tenants, tenants in common, or by any other kind of joint interest, the owners, tenants or occupants of any lot or portion of a lot or parcel of real property in any electoral district, each of such persons whose share therein is sufficient in value, or in the case of tenants, in amount of rent, according to the provisions of this Act, to qualify such person as a voter in respect of real property, shall be entitled to be registered on the list of voters, and to vote in respect of such share as if it were held in such person's individual name, and not jointly with one or more.

7. Persons qualified under this Act as voters in respect of income shall only be registered as voters and vote in the polling district where they reside at the time of registration; and persons qualified otherwise than on income shall only be registered as voters and vote in the polling district where the real property in respect of which they are qualified is situate; but when the property is partly within one polling district and partly within another, although all within one electoral district, the person qualified in respect thereof shall be entitled to be registered and to vote in either of such polling districts for which he may desire to be registered as a voter.

8. In the case of the sons of farmers, or of owners other than farmers, the time spent by such sons as mariners or fishermen in the prosecution of their several occupations, or as students in any institution of learning within the Dominion of Canada, shall be considered as spent at home.

9. In the Provinces of British Columbia and Prince Edward Island, besides the persons entitled to be registered as voters and to vote under the foregoing provisions of this Act, every person who at the time of the passing of the same :—

(1.) Is of the age of twenty-one years and is not by this Act or by any law of the Dominion of Canada disqualified or prevented from voting, and

(5.) Is a British subject by birth or naturalization and resident in the Province, and is entitled to vote in the said Provinces respectively by the laws now severally existing in the same,

Shall have a right to be registered as a voter and to vote so long as he shall continue to be qualified to vote under the provisions of the said last mentioned laws and no longer.

10. Except the persons duly qualified and registered as voters under this Act, no person shall be entitled to vote at any election for the House of Commons of Canada after the time when the duplicates of the first list of voters, finally revised and certified as hereinafter provided, for the electoral district for which the election is to be held, shall have been forwarded to the Clerk of the crown in Chancery at Ottawa, as also hereinafter provided :—but at any election held before the time aforesaid, the voters shall be those entitled to vote thereat under the laws now in force, which shall continue to apply to such election and all proceedings thereat or relating thereto.

#### WHO SHALL NOT VOTE AT ELECTIONS.

11. The following persons shall be disqualified and incompetent to vote at any election to which this Act applies, except that the persons or officers named in paragraph “b” of this section shall only be disqualified and incompetent to vote at elections for the electoral districts for which they hold such offices or positions respectively :—

(a.) The Chief Justice and Judges of the Supreme Court of Canada, the Chief Justices and Judges of the Superior Courts in the Provinces of Canada, and the judges of all other courts in the said Provinces, whether such courts are now in existence or are hereafter erected ;

(b.) Revising officers, returning officers, and election clerks, and any person who at any time either during the election or before the election, is or has been employed at the same election or in reference thereto by any candidate or by any person whomsoever, as counsel, agent, attorney or clerk at any polling place at any such election, or in any other capacity whatever, and who has received or expects to receive either before, during or after the said election from any candidate or from any person whomsoever for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment ; except only that the returning officer may vote in the case of equality of votes between candidates, where the addition of a vote would entitle any such candidate to be declared elected ;

(c.) Indians in Manitoba, British Columbia, Keewatin and the North-West Territories, and any Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such reserve, and whose improvements on such separate tract are not of the value of at least one hundred and fifty dollars, and who is not otherwise possessed of the qualifications entitling him to be registered on the list of voters under this Act.

#### WHEN REVISING OFFICER MAY NOT BE A CANDIDATE.

12. No revising officer for any electoral district while he is a revising officer, or for two years thereafter, shall be qualified to be a candidate in any electoral district for which, or for any part of which, he has been such revising officer.

#### REGISTRATION OF VOTERS.

13. The Governor General in Council may, within three months after the coming into force of this Act, and from time to time thereafter, when the office is vacant, appoint a proper person to be called "the revising officer," for each or any of the electoral districts of Canada, who shall hold office during good behaviour, but who shall be removable on address by the House of Commons, and whose duties shall be to prepare, revise and complete, in the manner hereinafter provided, the lists of persons entitled to vote under the provisions of this Act in such electoral district, and every such officer shall, before entering upon his duties, take an oath of office before any Judge of a Superior Court or Court of Record of the Province in which he is to act, in the form A contained in the Schedule to this Act, which he shall forthwith thereafter cause to be filed with the Clerk of the Crown in Chancery at Ottawa: and in the event of the death, resignation, removal, inability or refusal to act of any such revising officer, another may, in the same way, be appointed in his stead, who shall hold office under the same tenure, and with the same duties and powers.

14. A revising officer to be appointed under this Act shall, in every Province except Quebec and British Columbia, be either a Judge or a junior judge of some county or district court in the Province in which he is to act, or a barrister of at least five years' standing at the bar of such Province; in the Province of Quebec he shall be either a judge of the Superior Court for Lower Canada, or an advocate or notary of that Province of at least five years' standing, and in the Province of British Columbia he shall be either a judge of a superior court or of a county or district court, or a barrister of at least five years' standing, or a stipendiary magistrate: Provided always, that the same revising officer may be appointed for, and be required to discharge the said duties in respect of more than one electoral district, and may be appointed for a portion of any electoral district.

15. The revising officer who prepares the first list of voters for any electoral district, or any portion thereof, under this Act, shall, as soon

as possible after taking the oath of office, obtain a certified copy or certified copies, as the case may be, of the last revised or final assessment roll or rolls, if any there be, in the electoral district, or part of a district, for which he is appointed, and also a certified copy or certified copies of the last revised list or lists of voters in such electoral district or part of a district, prepared and revised under the Statutes of the Province relating to assessments and voters' lists respectively, for elections to the Provincial Legislature and, where there are no such lists, a certified copy or certified copies of the poll book or books at the last election in each electoral district; and he shall proceed, as speedily as possible, with the aid thereof and of such other information as he can obtain, to ascertain and prepare a separate list for each municipality within his appointment, and wherever there is not a municipality, or where the electoral district is a municipality, a separate list for each township, parish, polling district or other known division of the electoral district, of the persons who, according to the provisions of this Act, are entitled to be registered as voters, and to vote under this Act, at any election for such electoral district; which list shall contain the names of such persons in alphabetical order and shall be in the form B contained in the schedule to this Act, indicating in the proper column thereof whether such persons respectively are qualified in respect of real property, as owners, tenants, occupants, purchasers in occupation under the Crown, or otherwise, stating the numbers of the lots, portions of lots, and concessions, streets or other most available description of the real property in respect of which they are so qualified, and their post office addresses as nearly as can be ascertained by the said officer, or as farmers' sons or the sons of owners of real property other than farmers, stating the numbers of the lots, portions of lots, concessions, or streets or other available description of the real property of their fathers or mothers, in respect of which they are qualified as farmers' or other owners' sons, as hereinbefore provided, or whether they are qualified in respect of income; and as to sons of farmers or of others owners as aforesaid, and voters on income, stating also in the said list, in the proper columns thereof, the residences and post office addresses of such persons as nearly as can be ascertained by him; and after having so prepared the said list, the revising officer shall sign the same as such: Provided, that such assessment rolls as aforesaid shall be taken by the revising officer as *prima facie* evidence of value, and such voters' lists or poll books as aforesaid, as the case may be, as *prima facie* evidence of qualification to vote.

16. The revising officer shall then forthwith cause to be printed a sufficient number of copies of the said lists, being not less than two hundred, and, after certifying them in the form C contained in the Schedule hereto, shall, on or before the first day of March, one thousand eight hundred and eighty-six, publish the said lists, by causing one copy of each list to be posted up in the office of the Clerk or other corresponding officer of each municipal, parochial or other known territorial division in the electoral district, for which the said list is pre-

pared and to which it relates, and by mailing to the member or members of the House of Commons and to the unsuccessful candidate at the then last election for such electoral district, to the sheriff, warden, mayor, aldermen or councillors, clerk of the peace and treasurer, clerk, or officers corresponding thereto, under whatever official name they are known, of any county, city, town or part of a city, included in such electoral district, and to the reeve, councillors, mayor, clerk, parish court commissioner and treasurer, or officers corresponding thereto as aforesaid, of each township, parish or village municipality in such electoral district, two copies each, addressed to the post office addresses of such persons respectively; and the copy of every such list so posted up shall be open to inspection by any person, free of charge, in the office where it is deposited, during the business hours of such office, until the day fixed, as hereinafter provided, for the preliminary revision of the said list; and copies of the list may be procured by any person on application to the revising officer, as soon as he can furnish them, on paying therefor a price proportionately sufficient to cover the price paid for printing the same, but not to exceed fifty cents for a copy of the list of voters for any electoral district. In the event of there being no municipal divisions in the electoral district, a copy or copies of the said list, certified as aforesaid, shall be posted up in one or more of what the revising officer considers the most public place or places in each township, parish, polling district or other known division of the electoral district; and two copies each shall be mailed to officers or persons in such electoral district corresponding, as nearly as may be, to those particularly mentioned in this section with respect to municipalities.

17. Two copies of that part of the list relating to such municipality or parochial or other known division as aforesaid, certified as aforesaid, shall also be mailed at the time of the publication thereof as aforesaid, to each of the postmasters in the said known division; and each of the said postmasters, and every sheriff, warden, clerk of the peace and treasurer, parish court commissioner or other officer to whom two copies each of the said lists are to be mailed under this Act, shall forthwith after receiving them post up one of them in a conspicuous place in his office, where the said list shall remain until the day fixed, as hereinafter provided, for the preliminary revision thereof, and shall be open to inspection by any one during the office hours of the office; and to each of the copies of the lists so made or published under this and the next preceding section, shall be appended a notice in the form D in the schedule to this Act.

18. Notice that the said list and the time of holding the sitting mentioned in the notice appended thereto have been published in manner aforesaid, shall also be given by the revising officer forthwith after such publication, by at least one insertion thereof, in the form D in the schedule to this Act, in one or more newspapers, if any, published within the electoral district; and in case no newspaper is published therein, then in one or more newspapers published in a neighboring electoral district or districts.



19. The revising officer shall hold a sitting, as mentioned in the said notice, for the preliminary revision of the lists at such place in the electoral district, or in such portion as may be within his commission as he shall deem most convenient for that purpose, on a day not less than four weeks after the publication of the list as aforesaid; and any person desiring to add any names to the said list or desiring otherwise to amend the same, shall, at least one week before the day fixed for such preliminary revision (and in the case of a person desiring to object to any name, at any time before the day so fixed) deposit with or mail to the revising officer, by registered letter, at his office or place of address, a notice in the form E in the schedule to this Act; and in the event of any such objection being that a name already on the list should be struck off, the person so objecting shall give notice in writing to the person whose name is objected to within the same time and in the like form as to the revising officer, by delivering such notice to such person, or by mailing the same by registered letter to his last known post office address.

20. On the day and at the time and place appointed, the revising officer shall publicly proceed to the preliminary revision of the lists, basing such revision on the evidence and information before him in support of any claims for addition to the list of voters, or of any proposed amendments or corrections, but not including any objection to the insertion of any name, which he shall merely note on the list opposite the name objected to; and he shall then and there correct the lists, on the said basis, to the best of his judgment and ability, upon such evidence and information, and shall note every objection on the said lists as aforesaid; he shall also attest with his initials any addition or change therein; and he shall also append to such lists the names of claimants whose claims he has not admitted, and shall sign such appended lists.

21. The revising officer, having completed the said preliminary revision of the said first lists for the electoral district, or such portion thereof as is within his commission, shall sign the same as such revising officer and certify each of the said lists, and shall, on or before the first day of May, one thousand eight hundred and eighty-six, by an order under his hand, in the form F in the Schedule to this Act, divide every city, town, ward, parish, township or other municipal or corresponding division in the electoral district (or in default of such municipal or other corresponding division, every tract of land therein) having, according to the list relating to it, more than three hundred voters therein, by well defined boundaries, such as streets, highways, side lines, concession lines or the like, into polling districts in such manner that the number of voters in the several polling districts in the electoral district shall be as nearly equal as may be, and shall not in any one case exceed two hundred: Provided always, that where the electoral district does not contain three hundred voters, or where the voters are scattered over a large extent of country, the said revising officer may, nevertheless, sub-divide the electoral district into as many polling dis-

tricts as he thinks advisable for the convenience of the voters, even though the number in each be less than two hundred.

22. The polling districts in each municipality or other corresponding division as in the next preceding section mentioned shall be numbered, with a local designation attached to such number, in and by the order of the revising officer by which they are established, and such order shall be, forthwith after the making thereof, filed and kept by the revising officer for the purposes of this Act: Provided always, that in Prince Edward Island polling divisions may comprise parts of several townships.

23. Immediately after the sub-division of the municipality into polling districts as in section twenty-one provided, the revising officer shall prepare from the first lists of voters as preliminarily revised by him as aforesaid, a separate list of voters for each polling district, containing in alphabetical order the names of all voters qualified to vote in such polling district, (noting the names objected to) and in the same form as nearly as may be, as the form referred to in section fifteen, and shall sign the same as such officer, and shall append thereto the names of claimants whose claims have not been admitted.

#### FINAL REVISION OF THE FIRST LISTS OF VOTERS.

24. After the completion of the preliminary revision of the lists of voters and the preparation of lists for polling districts, and after the signature of the latter by the revising officer, he shall, for the purpose of making the final revision thereof, cause a sufficient number of copies of each such list, with the description of the polling district to which it relates, to be printed and shall certify the same as such officer, and on or before the first day of June, one thousand eight hundred and eighty-six, shall publish the same by causing copies to be posted up in three conspicuous public places in the polling district to which it relates, and by delivering copies thereof to any persons applying for the same, upon being paid according to the rates mentioned in section sixteen, but not to exceed ten cents for a copy of the list for each polling division, to each of which copies shall be appended a notice in the form G in the schedule to this Act, fixing a time and place for the final revision of each of the said lists; and the said revising officer shall also deliver or transmit, by registered letter, copies of such lists as follows: To each member of the Council of every city, town, township or village in any electoral district, and to the Clerk and treasurer thereof, and to each postmaster in every such municipality or polling division, one copy of every list relating to such municipality or polling division; to the sheriff, warden, clerk of the peace and county judge of the judicial county or district, one copy each of the several lists relating to such electoral district, or part of electoral district which may be within such judicial county or district; and ten copies of each of the several lists relating to such electoral district to the member or members of the House of Commons for the said electoral district or part of an electoral district, and to the unsuccessful candidate or candidates at the last election for the same.

25. The revising officer shall also at the same time publish the said notice appointing the time and place for the said final revision, in a newspaper, if any there be, published in the municipality or other division of the electoral district to which the polling district affected by such list belongs, by one insertion thereof in such newspaper.

26. The day to be fixed as aforesaid for such final revision shall be not less than five weeks after the publication by posting up of the said lists as aforesaid, and the place shall be in the city, town, township, parish, incorporated village or other known territorial division (and in the Province of Prince Edward Island, the existing Provincial electoral district) which includes the polling district, and in the electoral districts of the Province of Nova Scotia, in such places comprising not less than three polling districts as the revising officer may think most convenient; and any person desiring to object or to add to, or in any way amend or correct such list on the final revision, shall have the right to do so, if he shall have previously given the proper notice for that purpose at the preliminary revision, or upon giving the same notice and following the same procedure as is provided for in section nineteen as to objections or amendments on the preliminary revision; and the notice of such objections or claims from any person shall be given in the manner specified in the said section nineteen, not less than two weeks before the day named for the final revision.

27. At the time and place named in the notice of the revising officer, he shall hold open court for the said final revision, and shall hear and dispose of any objection or complaint and any application to add to, amend or correct the list, as in the next preceding section mentioned, of which notice shall have been given as aforesaid, hearing the parties make the same, if they appear, and any evidence that may be adduced before him in support of or in opposition thereto, and shall either affirm or amend the list accordingly, as to him seems right and proper, attesting, with his initials, any changes, additions or erasures in the list.

28. The revising officer shall, for the purposes of the said preliminary revision of the first lists of voters and of the final revision of the first lists of voters for polling districts, as well as for the revision of any subsequent lists of voters in polling districts under this Act, have all the powers of any court of record in the Province, as to compelling the attendance and the examination of witnesses, the production of books and documents, and the taking of evidence under oath before him, at any court or sittings held by him for any such preliminary or final revision, and shall have, generally, all the powers of a court of record.

29. After the lists for the several polling districts in an electoral district have been so completed, revised and corrected, they shall be certified in the form C contained in the Schedule to this Act by the revising officer, and kept by him for the purposes of this Act, and a duplicate of each, certified as aforesaid, shall be transmitted forthwith

by him to the Clerk of the Crown in Chancery at Ottawa, who, on receipt of all the said lists for any electoral district, shall, in the then next issue of the *Canada Gazette*, insert a notice in the form H contained in the schedule to this Act, on and after the publication of which notice in the *Canada Gazette*, the persons whose names are entered on the said list as voters, shall be held to be duly registered voters in and for such electoral district, subject to correction or amendment by the judgment on appeal as hereinafter mentioned: Provided however, that in the event of any such appeal, such lists after the publication of the last mentioned notice in the *Canada Gazette*, shall apply to every election for such electoral district, taking place before such appeal has been disposed of, or the result thereof communicated to the revising officer; but the ballot of any person whose name has been included in the certified list of voters, and is the subject of an undecided appeal, shall be numbered by the deputy returning officer, and a corresponding number shall be placed opposite his name, on the poll book; and upon the counting of the ballots, the ballots so numbered shall be by the deputy returning officer separated from the ordinary ballots and returned to the proper officer, sealed up at the same time as other ballots, to await the decision of such appeal;—and if under such decision the name of any such person shall be struck from the list of voters, the vote given by such person shall be ascertained from his ballot, and shall be struck from the poll upon a recount; and if any person whose name has been excluded from such certified list of voters, and whose exclusion is the subject of an undecided appeal, shall desire to vote, the deputy returning officer shall receive his ballot and shall number the same and the name of the voter in the poll book, and keep separate such ballots, as hereinafter provided; and if upon such appeal, the decision of the revising officer shall be maintained, the vote of such person may be ascertained and struck from the poll upon a recount;—and if an appeal respecting the vote of any person placed on the poll book under the provisions hereof, be not decided within the delay fixed by the existing election law for a recount, such delay shall be extended until six days after the decision of the appeal.

30. The revising officer and the clerk of the Crown in Chancery shall supply copies of such lists to any person or persons applying for the same and paying therefor at the same rate as is to be payable for copies of lists furnished under section sixteen.

31. After the lists of voters have been so finally revised, or amended and corrected on appeal and certified and brought into force as hereinbefore prescribed, and until other lists are, in a future year, under this Act as hereinafter provided, made, revised, amended and corrected on appeal, and certified, and brought into force in their stead, those persons only whose names are entered upon such lists as so revised, amended and corrected shall be entitled to vote at any election of a member of the House of Commons, in the polling sub-divisions and electoral districts for which such lists were respectively made; and the said lists shall be binding on any judge or other tribunal appoint-

ed for the trial of any petition complaining of an undue election or return of a member to serve in the House of Commons.

32. The revising officer shall also furnish to the returning officer for his electoral district, or such portion thereof as is within his appointment, within forty-eight hours after demand of the returning officer therefor, one copy of the list of voters then in force for each polling district in such electoral district, with a description of such polling district as contained in the order of the revising officer constituting the same, which list and copy of description shall be duly certified by the revising officer.

#### FUTURE LISTS AND REVISION THEREOF.

33. On or as soon as possible after the first day of January in each year after the year of Our Lord one thousand eight hundred and eighty-six, the revising officer, being duly sworn as hereinbefore provided, shall obtain a certified copy, or certified copies, as the case may be, of the last revised or final assessment roll or rolls, if any there be, in the electoral district or part of an electoral district for which he is appointed, and where there are no assessment rolls, a certified copy or certified copies of the last revised list or lists of voters in such electoral district; and with such copies and such other information as he can obtain, he shall proceed to revise the lists of voters then in force under this Act for such electoral district, entering thereupon the names of all persons not already in such lists, and who, according to the provisions of this Act, are entitled to have their names so entered, indicating in the proper columns thereof whether they are qualified in respect of real property, as owners, tenants, occupants, purchasers in occupation under the Crown or otherwise, and stating the numbers of the lots, portions of lots and concessions, streets, or other available description of real property in respect of which they are qualified, and their post office addresses as nearly as can be ascertained by the said officer,—or as farmers' sons or other owners' sons as aforesaid, stating the number of the lots, portions of lots, concessions or streets or other available descriptions of the real property of their fathers or mothers in respect of which they are qualified as farmers' or other owners' sons as hereinbefore provided, or whether they are qualified in respect of income; and as to the sons of farmers, or other owners' sons as aforesaid, and voters on income, stating also in such lists in the proper column thereof the residence and post office addresses of such persons as nearly as can be ascertained by him, and noting on the said lists the names of any persons who are dead or who are not, according to the provisions of this Act, entitled to be registered as voters, stating the reason of such note, and making any other verbal or clerical corrections which seem necessary; and he shall attest all such additions, erasures or corrections, with his initials, and sign such lists as such revising officer: Provided, that such assessment rolls as aforesaid shall be *prima facie* evidence of value.

34. After the said lists of voters have been so preliminarily revised,

the said revising officer shall publish and distribute them, and notice of the time and place fixed by him for the final revision thereof respectively, as nearly as may be, in the manner and form provided for in sections twenty-four and twenty-five, in respect of the final revision of the first lists of voters in polling districts under this Act.

35. The practice and requirements provided for in sections twenty-six and twenty-seven, as to persons desiring to object to any name on the said first lists, or to add any name thereto, or otherwise to amend the same, shall apply to similar applications in reference to the lists to be prepared under the two sections next preceding.

36. At the time and place named in the notice required under section thirty-four, the revising officer shall hold open court for the final revision of the list for each polling district, and shall proceed, with the same powers as are assigned to the revising officer by section twenty-eight, as to the enforcing of the attendance of witnesses, the taking of evidence under oath, the enforcing of the production of books and papers, the adjournment of the court, and otherwise, to hear the complaints, objections and applications made as hereinbefore provided, and the evidence in reference thereto, and to decide thereupon, adding to, striking off, or otherwise amending or correcting the lists accordingly, and attesting every addition, correction or erasure, or other amendment in the lists, with his initials, in the manner provided in section twenty-seven in respect of the final revision of the first lists of voters in polling districts.

37. After the lists for the several polling districts in an electoral district have been so completed, revised and corrected, they shall be certified in the form C contained in the schedule to this Act by the revising officer, and kept by him for the purposes of this Act, and a duplicate of each, certified as aforesaid, shall be transmitted forthwith by him to the Clerk of the Crown in Chancery at Ottawa, who, on receipt of all the said lists for any electoral district, shall, in the then next issue of the *Canada Gazette*, insert a notice in the form H contained in the schedule to this Act,—on and after the publication of which notice in the *Canada Gazette*, the persons whose names are entered on the said lists as voters, shall be held to be duly registered voters in and for such electoral district, subject to correction or amendment by the judgment on appeal as hereinafter mentioned: Provided, however, that in the event of any such appeal, such lists after the publication of the last mentioned notice in the *Canada Gazette*, shall apply to every election for such electoral district, taking place before such appeal has been disposed of or the result thereof communicated to the revising officer; but the ballot of any person whose name has been included in the certified list of voters and is the subject of an undecided appeal, shall be numbered by the deputy returning officer, and a corresponding number shall be placed opposite his name on the poll book; and upon the counting of the ballots, the ballots so numbered shall be by the deputy returning officer separated from the ordinary ballots and returned to the proper officer sealed up,

at the same time as other ballots to await the decision of such appeal;—and if under such decision the name of any such person shall be struck from the list of voters, the vote given by such person shall be ascertained from his ballot and shall be struck from the poll upon a recount; and if any person whose name has been excluded from such certified list of voters, and whose exclusion is the subject of an undecided appeal, shall desire to vote, the deputy returning officer shall receive his ballot and shall number the same and the name of the voter in the poll-book, and keep separate such ballots as hereinbefore provided; and if upon such appeal the decision of the revising officer shall be maintained, the vote of such person may be ascertained and struck from the poll upon a recount;—and if an appeal respecting the vote of any person placed on the poll book under the provisions hereof be not decided within the delay fixed by the existing election law for a recount, such delay shall be extended until six days after the decision of the appeal.

38. The revising officer and the Clerk of the Crown in Chancery shall supply copies of the said lists to any person or persons applying for the same and paying therefor at the rate payable for copies of lists furnished under section sixteen.

39. After the lists of voters have been so finally revised or amended and corrected on appeal, and certified and brought into force as hereinbefore prescribed and until other lists are, in a future year, as herein provided, made, revised, amended and corrected on appeal and certified, and brought into force in their stead, those persons only whose names are entered upon such lists as so revised, amended and corrected, shall be entitled to vote at any election of a member of the House of Commons, in the polling districts and electoral districts for which such lists were respectively made; and the said lists shall be binding on any judge or other tribunal appointed for the trial of any petition complaining of an undue election or return of a member to serve in the House of Commons.

40. The revising officer shall also furnish to the returning officer for his electoral district, within forty-eight hours after demand of the returning officer therefor, one copy of the list of voters then in force for each polling district in the electoral district, with a description of the said polling district as contained in the order of the revising officer constituting the same, and then in force, which list and copy of description shall be duly certified by the revising officer; and a copy of the said list of voters for each polling district shall be furnished by the returning officer to the deputy returning officer for such polling district; and such list shall be kept by the poll clerk, who shall use the same for the purposes of "*The Dominion Elections Act, 1874.*"

41. Whenever the number of voters in any polling district, as constituted under section twenty-one, shall increase so as to exceed two hundred, or whenever the revising officer then in office considers that the convenience of the voters would be promoted by a new and differ-



ent sub-division, he shall, before proceeding to make the new lists of voters then next required under the Act, again sub-divide any city, town, ward, parish, township or townships, or other municipal or corresponding division, (or any tract of land where there is no municipal division), in which such polling district is situate, into polling districts, in like manner as hereinbefore provided, so as to conform to the intent and meaning of this Act, and so again from time to time as like occasion shall require, using on all occasions after the first division thereof, the then last revised and corrected lists of voters for that purpose; and the revising officer, after making such sub-division by an order in the form prescribed in section twenty-one, shall publish such order by posting up in some public place in each polling district, a copy thereof certified by him; and the revising officer shall use such amended polling districts in preparing the new lists of voters, which shall be revised and corrected as provided with respect to the polling districts first constituted by him.

#### GENERAL PROVISIONS.

42. The revising officer shall, on the application of any person supporting or opposing any objection, claim or proposed amendment to a list of voters at any of the courts or sittings for preliminary or final revision under this Act, issue a summons in the form J in the schedule to this Act contained, to any person to attend at such court or sittings, and, if required, to produce any books or papers in the possession or power of such person, and to give evidence thereat relating to any matter connected with any such revision; and in the event of such person not attending after being served with such summons, the revising officer may punish such person as for a contempt of a court of record: Provided however, that no such person shall be compelled to attend under any such summons unless the witness' fees allowed in the Province of Quebec in the Superior Court, in the Province of Ontario in the Division Court, and in the other Provinces of the Dominion in the County or Division Court, shall have first been paid or tendered to such person.

43. The judge or revising officer shall have power at any court or sitting held under this Act by him, to amend or give leave to amend, when he sees fit, any of the proceedings taken in reference to any list of voters, to direct notice to be given to other persons, and to adjourn any court or sittings, on the hearing of any claim or objection or proposed amendment, to a future day; and he shall not be bound by strict rules of evidence or forms of procedure, but shall hear and determine all matters coming before him as such judge or revising officer in a summary manner, and so as in his judgment to do justice to all parties.

44. The parties to any application before any judge or revising officer may appear by agent, solicitor or counsel; and any elector may appear, in person or by agent, at any sitting of the revising officer in the electoral district in which he is such elector in support of or in

opposition to any claim, objection or application arising before such revising officer; and the revising officer may award costs to or against any party in the case, which costs shall only be for witnesses' fees and the expenses of summoning such witnesses; and the said costs may be levied by order of the revising officer, by distress, as under warrant on a conviction under the "*Act respecting the duties of Justices of the Peace, out of Sessions, in relation to Summary Convictions and Orders.*"

45. If from any cause the list of voters for any polling district is not made, revised and corrected at the time when it ought under section forty to be sent to the returning officer at any election to be held after the first list of voters for the electoral district in which it lies has been made, revised and corrected, then the last list of voters, revised and corrected for such polling district, shall be sent to the returning officer and used at such election.

46. Notwithstanding anything contained in any statute of Canada heretofore enacted, the returning officer for each electoral district for which lists of voters made under this Act are to be used, shall, forthwith on the receipt of the writ of election, obtain from the revising officer for the electoral district or part of a district for which he is returning officer, at least one copy of the list of voters as finally revised and certified by the revising officer, and then in force, for each of the polling districts in such electoral district, and a copy of the order dividing the electoral district into polling districts, and shall forthwith fix a polling station in and for each of such polling districts in a central and convenient place therein.

47. If at any time when the revising officer is required to furnish or certify any list of voters, whether to a returning officer, deputy returning officer, or to any other officer or person, there is any appeal pending, or in which the decision, if given, has not been notified to the revising officer with respect to such list, the revising officer shall furnish such list as then last revised and corrected by him, noting thereon the names of all persons who have been retained on the list of voters notwithstanding objection, the names of all persons who have been struck off the list of voters, and of all persons who have applied to be placed on the list of voters and whose applications have been refused, and who have respectively appealed from his decision; and the list shall serve and avail, according to the provisions of this Act, for the election with reference to which it is furnished; but whenever any appeal is decided so as to require the correction of the list, and the formal order or judgment has been served upon him, he shall correct the list accordingly, and forthwith notify the clerk of the Crown in Chancery that he may correct the list accordingly, and the said clerk of the Crown in Chancery shall correct the same accordingly: Provided, that if the decision in appeal, requiring the correction of any list of voters, is notified to the revising officer by service of the formal order or otherwise, before the day of polling, an amended copy of the list of voters shall be furnished by the revising officer to the

returning officer or deputy returning officer before the said day, and shall contain the correction in question, certified as hereinbefore provided, in which case the election shall take place upon such amended list if received in time by the deputy returning officer.

48. For the revision of the first or any subsequent list of voters under this Act, in polling districts of cities, towns or villages, the revising officer, instead of holding a court in each polling district, may appoint some central place in such city, town, or village at which to hold his court of revision for the several polling districts therein, appointing, if he thinks proper, a separate day and holding a separate court for each polling district.

#### APPEAL.

49. In any case where the revising officer is not also a judge of any court, any person or persons who, under the foregoing sections, shall have made any complaint, objection or application, in respect of the list of voters in any polling district, whether such list be the first or any subsequent list of voters, prepared under this Act for such polling district, or any person or persons with reference to whom such complaint, objection or application shall have been made, who shall be dissatisfied with the decision of the revising officer in respect thereof, may give to the said revising officer or his clerk, on the day of such decision or within seven days thereafter, notice in writing of his intention to appeal from such decision, stating shortly in such notice the decision complained of, and at least one reason for appealing against it, and shall, within the same time, cause a copy of such notice to be served upon the party in whose favor such decision was given, either personally or by leaving it at his residence or place of business, or by mailing the same in a registered letter addressed to his last known post office address; and the revising officer shall forthwith transmit such notice, together with a copy of his own decision, to the judge to be appealed to as hereinafter provided, and shall sign the same as revising officer, and shall deliver to such appellant or his counsel or agent, and to the respondent or his counsel or agent, if required, a certified copy of such decision.

50. The judge appealed to shall thereupon appoint a convenient time and place for the hearing of the appeal, which place shall be within the municipality, parish or other local territorial division within which the polling district in which the appeal arises is situated, of which time and place due notice shall be given to the revising officer and to the parties interested, in such manner as the judge shall order. And if, at the time and place so appointed, the appellant does not appear in person or by agent, or, appearing, withdraws his appeal, the appeal shall be dismissed; but if the appellant appears, and neither the revising officer nor any other party does so, or, so appearing, does not oppose the appeal, the judge, on sufficient proof or admission of service of the notice in manner above mentioned, shall maintain the same, except in the case of an appeal by a person struck off

the list of voters or whose name the revising officer has refused to place thereon, in which cases the judge shall require satisfactory evidence of the right of the appellant to be placed on the list of voters before he shall maintain the appeal. But if the appeal be opposed by the revising officer or other party, if any, then appearing, or if the respondent makes default in so appearing, the judge, on being satisfied of the service of such notice in manner above mentioned, shall, either immediately or at such time as he shall then fix for the purpose, and at the same place, proceed to hear and decide upon the said appeal summarily, hearing the parties and receiving such legal evidence as shall be adduced before him respecting the facts in dispute, but without being bound by any technical rules of procedure; and such decision shall be subject to no further appeal; and if any judgment be rendered in appeal which shall require an alteration in the certified list, such judgment shall be forthwith notified, in such manner as the judge shall order, to the revising officer: Provided always, that any elector may appear in person or by agent at any sitting of the judge in appeal in the electoral district in which he is such elector, in support of or in opposition to any claim, objection or application arising before such judge.

51. For the purposes of any such appeal and in respect thereof the judge shall have all the powers conferred upon the revising officer by section forty-two of this act, with regard to summoning witnesses, obtaining evidence, and punishing the persons summoned before him.

52. The judge in appeal may award costs to or against any party in the case, which costs shall only be for witnesses' fees and the expenses of summoning such witnesses; and the said costs may be levied by order of the judge, by distress, as under a warrant on a conviction under the "*Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders.*"

53. The appeal shall be—

(a.) In the Province of Ontario, to the judge of the County Court in whose County the polling district where the appeal arises is situate:

(b.) In the Province of Quebec, to the judge of the Superior Court resident in or having judicial charge of the judicial district containing the polling district in which the appeal arises;

(c.) In the Provinces of Nova Scotia, New Brunswick, Manitoba and Prince Edward Island, to the judge of the County Court;

(d.) In the Province of British Columbia, to the County Court Judge; but in any electoral district which is not included within the jurisdiction of any county judge, to the Supreme Court, which court shall assign the duty of trying any appeal to some judge of the said court.

## OFFICERS AND THEIR DUTIES.

54. The revising officer shall appoint as his clerk a person residing in the electoral district competent to perform the duties required of him under this Act, and such as shall be by the revising officer assigned to him as clerk of the said courts of revision, or otherwise, during the preparation of and revision of the lists of voters; and such clerk shall be subject to removal by the revising officer.

55. The revising officer may also appoint for the purpose of serving papers, posting up notices and attending and keeping order at courts of revision and doing such other duties as may be assigned to him by the revising officer, a competent person as a bailiff and constable, who shall be subject to the orders of the revising officer, and to be removed by him at pleasure.

56. The revising officer shall keep at his office in the electoral district a list of the notices of objections, claims and proposed amendments sent in to him under sections nineteen, twenty-six and thirty-five, which list, as well as the said notices and notices of appeal, shall be open to inspection by any one desiring to inspect the same before the said objections, claims or proposed amendments are disposed of by the revising officer.

57. The first lists of voters for polling districts to be prepared and brought into force under this Act shall be completed, finally revised and certified and duplicates thereof forwarded to the Clerk of the Crown in Chancery at Ottawa, on or before the first day of August, one thousand eight hundred and eighty-six, and the lists in future years to be revised under this Act shall be so finally revised, certified and duplicates thereof forwarded to the said Clerk of the Crown in Chancery as aforesaid, on or before the first day of August in each year after the year one thousand eight hundred and eighty-six.

## APPLICATION OF EXISTING ACTS—OFFENCES.

58. The Acts of the Parliament of Canada in force respecting elections of members to serve in the House of Commons, or controverted elections of such members, or corrupt practices at elections, shall apply to elections and proceedings thereat to which this Act is to apply, in so far as they are not inconsistent with this Act, and except always as to the qualification of voters at such elections and the lists of voters, which shall be those prescribed by this Act, and to which all the provisions of the said Acts which depend on such qualification shall be construed as referring; and all provisions of the said Acts inconsistent with this Act are hereby repealed.

59. At any election that may be held in any electoral district before the lists of voters under this Act shall have been finally revised and certified under this Act, the lists of voters for the previous year shall be used: Provided, that in the case of any election before the final revision and publication of the certificate of the first list provid-

ed for by this Act, the lists of voters that would have been used if this Act had not been passed shall be used at such election.

60. Section fifty-three of "*The Dominion Elections Act, 1874*," shall apply to the case of an elector in whose name another person has voted, provided the elector personated takes the oath in the schedule P to the said Act, *mutatis mutandis*.

61. Every person who in any oath or affirmation taken or made under this Act, wilfully swears or affirms falsely shall be deemed guilty of wilful and corrupt perjury.

62. Every officer or person who is by law the custodian of an assessment roll, or list of voters, or of any other list or document, which, under the foregoing provisions of this Act, the revising officer is required to obtain and use for the purpose of preparing any list of voters, or of any duplicate or duly certified copy thereof, shall furnish the same, or a certified copy or copies thereof to the revising officer, as by him required; and any such officer or person refusing or omitting to furnish the same to the revising officer within a reasonable time, upon being paid or tendered the cost of preparing the same according to the law in force in the Province, shall, for each such refusal or omission, be held to be guilty of a misdemeanor and shall be punishable accordingly.

63. Every person appointed to any office or position under this Act, or required by this Act to do any matter or thing, shall, for every wilful misfeasance or wilful act of commission or omission contrary to this Act, forfeit to any person aggrieved the penal sum of five hundred dollars, or such less sum as the jury, or judge, when the case by the law of the Province is triable without a jury, before whom any action to be brought for the recovery of the before mentioned sum may be tried, shall consider just to be paid to such party; and the same shall be recoverable by such party with full costs of suit, by action for debt in any court of competent jurisdiction: Provided always, that nothing herein contained shall be construed to interfere with any other remedy, civil or criminal, against such person.

64. Every person who is an agent within the meaning of "*The Indian Act, 1880*," and who, either directly or indirectly, seeks to induce or compel any person who is an Indian or of part Indian blood and qualified to vote only in respect of property forming part of a reserve, as defined by the said Act, to cause his name to be registered as a voter or to vote or refrain from voting at any election of a member of the House of Commons, shall be held to be guilty of a misdemeanor and, if found guilty thereof, shall be punishable by a fine not exceeding two hundred dollars or by imprisonment for any term not exceeding six months, or by both, and shall not be entitled to hold any office or place of emolument in the appointment of the Governor, or of the Superintendent General of Indian Affairs, for a period of two years from the date of his conviction.

65. Any wilful offence against this Act, for which no other punishment is provided, shall be a misdemeanor, and punishable as such.

## SCHEDULE OF FORMS.

A

(See S. 13.)

### *Oath of Office of a Revising Officer.*

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_ and Province of \_\_\_\_\_, the revising officer appointed under "The Electoral Franchise Act," in and for the electoral district (or part of the electoral district) of \_\_\_\_\_ in the Province of \_\_\_\_\_ do hereby solemnly swear (or affirm) that I will well and faithfully discharge the duties assigned to me by the said Act without favor or partiality; that I will place no name on the list of voters for the said electoral district (or part of the said electoral district) or any of the polling districts thereof, and will strike no name off the same, unless, I shall be satisfied that the same should by law be placed on or struck off the same; and that I will in all respects conform to the said Act and the law to the best of my judgment and ability. So help me God.

Sworn before me, a judge of the  
Court of \_\_\_\_\_, in and for the  
Province of \_\_\_\_\_, being a Court  
of Record, at the \_\_\_\_\_ of \_\_\_\_\_ in  
the County of \_\_\_\_\_ and Province  
aforesaid this \_\_\_\_\_ day of \_\_\_\_\_ A.D.,  
188 \_\_\_\_\_

A. B.,  
Revising officer for the electoral dis-  
trict (or part of the electoral  
district of \_\_\_\_\_)

C. D.,  
A Judge, &c.



(See p. 15.)

Polling District No.

**Dated,**

A. B.

*Revising Officer for the Electoral District (or part of the Electoral District) of*

## C.

(See Ss. 16, 29 and 37.)

*Revising Officer's Certificate of List of Voters.*

I, \_\_\_\_\_, the undersigned revising officer for the electoral district (or part of the electoral district) of \_\_\_\_\_ in the Province of \_\_\_\_\_ do hereby certify that the foregoing list consisting of \_\_\_\_\_ pages, is a true copy of the list of voters for the local municipality (or for the electoral district or part of the electoral district) of \_\_\_\_\_ as originally prepared (or preliminarily revised, as the case may be), or polling district number \_\_\_\_\_ in the said electoral district before (or after) the final revision thereof, (as the case may be) for the year \_\_\_\_\_, under "The Electoral Franchise Act."

Dated \_\_\_\_\_ 188

A. B.,

*Revising Officer for the electoral district (or part of the electoral district) of*

§—§

## D.

(See Ss. 17 and 18.)

*Notice by Revising Officer of preliminary revision of First List of Voters.*

The Revising Officer for the Electoral District (or part of the electoral district) of \_\_\_\_\_ in the Province of \_\_\_\_\_, appointed under "The Electoral Franchise Act," hereby gives notice that he has completed and published in the manner directed by the said Act, the first general list of voters for the said electoral district (or part of the said electoral district), and that he will hold a sitting pursuant to the said Act for the preliminary revision of such list at \_\_\_\_\_ in the \_\_\_\_\_ County of \_\_\_\_\_ in the said Province, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 188 . Any person objecting to any name on the said list may at any time before the said day, and any person desiring to add any name thereto, or desiring otherwise to amend the same, may, on or before the \_\_\_\_\_ day of \_\_\_\_\_ 188 , deliver to the said revising officer or mail to him by registered letter at his office or place of address, a notice in writing in the form for that purpose contained in the schedule to this Act, as nearly as may be, setting forth the name or names objected to, and the grounds of objection, or the name or names proposed to be added to the list, with the grounds therefor, and particulars of the qualification and residence of the persons whose names are proposed to be added, or the particulars of any other proposed amendment, and the grounds therefor: and every such notice must be signed by the person so giving notice, and must set forth his residence, occupation and post office address. In the event of the person so giving notice objecting to the name of any person already on the list, the person so objecting must also deliver to or mail to the last known address of the person whose name is objected to, by registered letter, and at the same time the notice is given to the revising officer, a copy of the notice given.

Dated \_\_\_\_\_, 188 .

A. B.,

*Revising Officer for the electoral district (or part of the electoral district) of*

## E.

(See S. 19.)

*Notice of Complaint or Application.*

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the county of \_\_\_\_\_, in the electoral district of \_\_\_\_\_, Province of \_\_\_\_\_, under "The Electoral Franchise Act," hereby give notice that I will apply to have the first general list for the electoral district (or part of the electoral district) of \_\_\_\_\_ (or the list for the municipality or polling district No. \_\_\_\_\_ of the said electoral district) (or the lists for the year \_\_\_\_\_ as preliminarily revised), as the case may be, amended or added to, as the case may be; (then state the name or names objected to with the grounds therefor, or the name or names desired to be added, with full particulars of their residences, addresses, occupations, qualifications, and if real property, where situated, and the grounds for applying to have them added, or the nature of any other proposed amendments to the list and the grounds therefor) at the sitting to be held by the revising officer for the said electoral district (or part of the said electoral district), at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, on the \_\_\_\_\_ day of \_\_\_\_\_, 188 \_\_\_\_\_, at \_\_\_\_\_ in the said electoral district.

Dated \_\_\_\_\_, 188 \_\_\_\_\_.

To the Revising officer\* for the said electoral district (or part of the said electoral district), (or to the person whose name is objected to, )

(Name of complainant,)

P. O. Address.

§C§

## F.

(See S. 21.)

*Order of Revising Officer dividing Electoral District into Polling Districts.*

I, \_\_\_\_\_ the revising officer for the electoral district (or part of the electoral district) of \_\_\_\_\_, Province of \_\_\_\_\_ under "The Electoral Franchise Act," do hereby order and direct that the said electoral district (or part of the said electoral district), be and the same is hereby sub-divided into polling districts, described as follows :—

Number one

Bounded on (here fill in as particular a description, by concession, street or other dividing lines, as possible, of the bounds of each polling district.)  
(And so on as to others.)

Dated \_\_\_\_\_, 188 \_\_\_\_\_.

A. B.,

Revising officer for the electoral district (or part of the electoral district) of \_\_\_\_\_

31.

G.

(See S. 24.)

*Notice by Revising Officer of Final Revision of Lists of Voters for each Polling District.*

The revising officer for the electoral district (or part of the electoral district) of \_\_\_\_\_ in the Province of \_\_\_\_\_, under "*The Electoral Franchise Act*," hereby gives notice that he will hold a sitting on the day of \_\_\_\_\_, 188 , at \_\_\_\_\_ o'clock in the \_\_\_\_\_; at \_\_\_\_\_ in the \_\_\_\_\_, in the said electoral district, for the final revision of the list of voters for polling district No. \_\_\_\_\_, of the said electoral district.

All objections and claims for additions to or amendment of the said list, with the grounds therefor, and the name, addition and post office address of the person objecting to any name on the list, or claiming to add to or amend the list in any other respect, unless the same have already been sent or delivered at the preliminary revision of the said list, must be delivered to the said revising officer at \_\_\_\_\_, or sent to him by registered letter, addressed to him at \_\_\_\_\_, before the \_\_\_\_\_ day of \_\_\_\_\_ 188 , in the same form, as nearly as may be, as of notice of complaint, in the schedule to "*The Electoral Franchise Act*."

If the objection be to the name of any person already on the list, the person so objecting must, at the same time, deliver or mail by registered letter to the person so objected to, at his last known address, a copy of the notice of objection.

Dated \_\_\_\_\_ 188 .

A. B.,

*Revising Officer for the electoral district (or part of the electoral district) of*

—§—§—

H.

(See Ss. 29 and 37.)

*Notice to be published in the Canada Gazette by the Clerk of the Crown in Chancery.*

Notice is hereby given that I have received the lists of voters, finally revised, for all the polling districts of the electoral district of \_\_\_\_\_ for the year \_\_\_\_\_, under "*The Electoral Franchise Act*."

Dated \_\_\_\_\_, 188 .

C. D.,

*Clerk of the Crown in Chancery at Ottawa.*

J.

(See S. 42.)

*Summons to Witness.*

To

You are hereby required and summoned personally to attend before me, the undersigned revising officer, on the      day of      , 188 , at      o'clock in the      at      in the County of      , and Province of      , and then and there to testify what you may know concerning the      then to be investigated by me as such revising officer, and so on from day to day, and you shall bring with you the papers herein particularly described, that is to say :

And herein fail not at your peril.

Given under my hand at      aforesaid, this      day of      , 188 , under "The Electoral Franchise Act."

A. B.,

*Revising Officer for the electoral district (or part of the electoral district) of*

## PART II.

—†(†)†—

## PROVINCIAL FRANCHISE.

—†(†)†—

PERSONS ENTITLED TO VOTE AT ELECTIONS OF MEMBERS TO SERVE IN  
THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO.

—†(†)†—

Extracts from "THE ELECTION ACT OF ONTARIO," (R. S. O., Cap. 10,) as amended by "*The Election Amendment Act, 1883*," (46 Vict., Cap. 2,) and "*The Franchise and Representation Act, 1885*," (48 Vict., Cap. 2.)

—§—§—

## REVISED STATUTES OF ONTARIO.

—†(†)†—

## CHAPTER X,

An Act respecting Elections of Members of the Legislative  
Assembly.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Election Act*," or "*The Election Act of Ontario*."

2. (*Section substituted by 48 Vic., Cap. 2, Sec. 2, in part.*). Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say :—

(1.) The word "owner" shall signify and mean proprietor, either in his own right or in the right of his wife, of an estate for life, or any greater estate either legal or equitable.

(2.) The word "occupant" shall signify and mean a person *bona fide* occupying property otherwise than as owner or tenant, either in his own right or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom to his own use.

(3.) The word "tenant" shall include any person who instead of



paying rent in money is bound to render to the owner any portion of the produce of such property.

(4.) The expression "landholder" shall mean and include

(a) Any person who being the owner of and residing and domiciled upon real property of at least twenty acres in extent, or of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, is, in the last revised assessment roll of the municipality where such property is situate, entered and assessed as owner of said property of at least the number of acres or the assessed value aforesaid; and

(b) Any person actually residing and domiciled in any dwelling house as tenant thereof, where such dwelling house and the land, if any, held therewith by such person as such tenant is of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, and is at not less than such value entered and assessed in the name of such person in the last revised assessment roll of the municipality wherein the same is situate.

(5.) The expression "landholder's son" shall mean and include a son, stepson, grandson or son-in-law, as the case may be, of any landholder.

(6.) The expression "wage earner" shall mean any person entered in the last revised assessment roll of a city, town, incorporated village or township, as one having or deriving an annual income or wages of not less than two hundred and fifty dollars, but who is not entered or assessed in said roll for a taxable income of at least two hundred and fifty dollars.

(7.) The expression "dwelling house" shall mean and include any part of a house when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is a part of the premises belonging to and used with such dwelling.

(8.) The expression "householder" shall mean any person entered in the revised assessment roll of a city, town, township or incorporated village as sole tenant and occupant of and actually resident in a dwelling house situate therein, but shall not mean nor include,

(a) Any person who is so entered or who is actually a joint tenant or occupant of such dwelling house with any other person: nor

(b) Any person who is a mere lodger or boarder in a house.

(9.) The expression "local municipality" shall mean and include a city, town, incorporated village or township, as the case may be.

(10.) The word "election" shall mean an election of a member to serve in the Legislative Assembly.

(11.) The expression "to vote" shall mean to vote at the election of a member of the Legislative Assembly.

(12.) The expression "electoral district" shall mean any county or other place or portion of this Province entitled to return a member to the Legislative Assembly.

(13.) The expression "voters' list" shall mean the copy of the voters' list furnished in accordance with section 56 of this Act.

(14.) The expression "last revised assessment roll" shall mean the last revised assessment roll of a City, Town, Incorporated Village or Township.

4. (*As Amended by 46 Vic., Cap. 2, Sec. 10.*) The Chief Justice and the Justices of the Court of Appeal, the Chancellor and Vice-Chancellors of Ontario, the Chief Justices and Judges of the Courts of Queen's Bench and Common Pleas in Ontario, all County Judges, all Officers of the Customs of the Dominion of Canada, all Clerks of the Peace, County Attorneys, Registrars, Sheriffs, Deputy Sheriffs, Deputy Clerks of the Crown, and Agents for the sale of Crown Lands, all Postmasters in Cities and Towns, all Stipendary Magistrates, and all Officers employed in the collection of any duties payable to Her Majesty in the nature of duties of excise, shall be disqualified and incompetent to vote at any election; and if any public officer or person mentioned in this section votes at any such election, he shall thereby forfeit the sum of two thousand dollars, and his vote at such election shall be null and void.

5. No Returning officer or Election Clerk, and no person who, at any time, either during the election or before the election, is or has been employed at the said election or in reference thereto, or for the purpose of forwarding the same, by any candidate or by any person whomsoever, as counsel, agent, attorney or clerk, at any polling place at any such election, or in any other capacity whatever, and who has received or expects to receive, either before, during or after the said election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place of employment, or any promise, pledge or security whatever therefor, shall be entitled to vote at any election.

(2.) The preceding provision shall not apply to Deputy Returning Officers and Poll Clerks appointed under this Act and receiving as such the fees to which such officers are entitled under this Act.

6. No woman shall be allowed to vote at any election.

7. (*Section substituted by 48 Vic., Cap. 2, Sec. 3.*) The following persons, and no others, being males and of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified under the preceding sections, or otherwise by law prevented from voting, shall, if duly entered on the list of voters

proper to be used at the election then pending, according to the provisions of the *Voters' List Act*, or of this Act, be entitled to vote at elections of members to serve in the Legislative Assembly of this Province, that is to say :—

*Firstly.*—Every male person entered on the revised assessment roll, upon which the voters' list to be used at the election is based for any city, town, incorporated village or township, for real property of the value hereinafter mentioned, and being at the time of the final revision and correction of said assessment roll, and also at the time of the election, a resident of and domiciled within the electoral district for which he claims to vote.

(2.) Such person must (subject to the provisions hereinafter contained) have been rated on such assessment roll as the owner, tenant or occupant of real property of the actual value of not less than the following :—

In cities and towns, two hundred dollars ; in incorporated villages and townships, one hundred dollars.

(3.) Where any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each of them shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

*Secondly.*—Every male person who is residing at the time of the election in the local municipality in which he tenders his vote and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and derives an income from some trade, occupation, calling, office or profession, of not less than two hundred and fifty dollars annually, and has been assessed for such income in and by the assessment roll of the municipality upon which the voters' list used at the election is based.

*Thirdly.*—Every male person entered on the last revised assessment roll as a wage-earner who is residing at the time of the election in the local municipality in which he tenders his vote, and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and who has during the twelve months next prior to being so entered, derived or earned wages or income from some trade, occupation, calling, office or profession, of not less than two hundred and fifty dollars.

(2.) In estimating or ascertaining the amount of wages or income so earned or derived by any person so entered as a wage-earner in the assessment roll of a municipality, not being a city, town or village, the fair value of any board or lodging furnished or given to or received or had by such person as or in lieu of wages or as part thereof, shall be considered or included.

*Fourthly.*—Every male person entered as a householder in the last

revised assessment roll of the local municipality in which he tenders his vote, who is residing at the time of the election in the said municipality, and has resided there continuously since the completion of said last revised assessment roll.

*Fifthly.*—Every landholder's son who is resident at the time of the election in the local municipality in which he tenders his vote, and has resided therein with and in the residence or dwelling of the landholder whose son he is, for twelve months next prior to the return by the assessors of the assessment roll on which the voters' list used at the election is based, and who has been duly entered and named in said assessment roll as such landholder's son.

(2.) Occasional or temporary absence from such residence or dwelling for a time or times not exceeding in the whole six months of the twelve hereinbefore mentioned, shall not operate to disentitle a landholder's son to vote under this Act.

*Sixthly.*—Where there is a voters' list, all Indians, or persons with part Indian blood, who have been duly enfranchised, and all Indians or persons with part Indian blood who do not reside among Indians, though they participate in the annuities, interests, moneys and rents of a tribe, band or body of Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions as other persons in the electoral district ;

(2.) But the Indians or persons with part Indian blood who are entitled to vote where there is no voters' list, shall be only the following, namely :—

“ All Indians or persons with part Indian blood, who have been duly enfranchised, and all unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions as other persons in the electoral district.”

(3.) Where there is no voters' list any person alleged by a candidate, or the agent of a candidate, to be an Indian, or person with part Indian blood, shall, if required by such candidate or agent, or by the returning officer, take the following oath or affirmation in addition to any other oath required by a voter under the law :—

You swear that you do not participate in the annuities, interests, moneys or rents of any tribe, band or body of Indians, and do not reside among Indians.

Or, at his option, the following :—

You swear that you are not an Indian, nor a person with part Indian blood.

*Seventhly.*—In such of the municipalities, townships and places in

the Electoral Districts of Algoma East, Algoma West, East Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, Muskoka and Parry Sound as have no assessment roll, and subject to the provisions hereinafter contained, every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of and domiciled within the Electoral District for which he claims to vote, and is actually and *bona fide* owner of real estate in such electoral district of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election.

(2.) A person is not an owner within the meaning of the said provision designated seventhly, where the land of which he claims to be owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house.

(3.) In any part of the Electoral District of Algoma West, Algoma East, Muskoka or Parry Sound, in which there is no assessment roll or voters' list, residence by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter.

*Eighthly.*—No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized municipality.

11. (*As amended by 46 Vic., Cap. 2, Sec. 2.*) Every City, Town, Ward, Township or incorporated Village, having more than two hundred qualified voters therein shall be divided by well-defined boundaries, such as streets, side lines, concession lines or the like, in the most convenient manner into polling sub-divisions by by-law of the municipal council having jurisdiction over the locality, and in such manner that the number of qualified electors in the several polling sub-divisions shall be as nearly equal as may be, and shall not in any one exceed two hundred.

(2.) Where a municipality is divided into polling sub-divisions, the same polling sub-divisions shall be used both for the elections of members of the Legislative Assembly and for municipal elections; and the polling sub-divisions for elections to the Legislative Assembly and municipal elections shall hereafter be made the same in all cases, except that the municipal council of every City, Town, or incorporated Village, may by by-law unite, for the purposes of municipal elections, any two adjoining polling sub-divisions.

(3.) Any alteration of existing polling sub-divisions, or creation of new polling sub-divisions, shall be made before the publication of the voters' lists.

(4.) For the purpose of enabling the council to make the required

alterations, the clerk of the municipality, as soon as he finds that the number of qualified voters in any sub-division exceeds two hundred, shall call the attention of the council to the fact.

(5.) In case, through oversight or from any other cause, such alterations have not been made prior to the publication of the lists, the alteration in the polling sub-divisions shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being made out, and shall not affect the voting on or with respect to any previous voters' lists.

(6.) It shall not be necessary for a returning officer to re-divide a polling sub-division, on account of the same containing more than two hundred voters, so long as it does not contain more than three hundred; but if it contains more than three hundred, he shall divide it into two sub-divisions.

(7.) Nothing in this section contained shall be held to relieve the council of any municipality from the duty of making a new division of the voters into polling sub-divisions, or re-dividing a sub-division as often as the number of qualified voters in any polling sub-division exceeds two hundred.

12. Whenever the number of qualified voters in any such polling sub-division increases so as to exceed two hundred, or whenever the municipal council considers that the convenience of the electors would be promoted by a new and different sub-division, such city, town, ward, township or incorporated village, shall be again in like manner divided into polling sub-divisions so as to conform to the intent and meaning of this Act, and so again, from time to time, as like occasion shall require.

13. Every division made under the two next preceding sections shall be based upon the then last revised and corrected assessment roll of the city, town, ward, township or incorporated village.

14. At any time within two months after the filing of such by-law, an appeal shall lie from any such sub-division, at the instance of any five of the electors, to the Judge of the County Court, who shall promptly correct such sub-division so as to conform to the true intent and meaning of this Act.

15. The said sub-divisions shall be numbered consecutively in and by the by-law by which they are established, and a copy of such by-law, certified under the seal of the corporation to be a true and correct copy, and signed by the head or clerk of the municipality, shall be forthwith, after the making thereof, transmitted to and filed in the office of the Clerk of the Peace of the County or union of Counties within which such municipality is situate.

16. In case of failure on the part of any municipal Council to divide any city, town or other local municipality into polling sub-divi-



ions proportioned to the number of electors, as hereinbefore provided, or in case the time to appeal from the division should not have expired before the receipt of the writ, the returning officer shall provide as many polling places for polling the votes of the electors in such city, town or other local municipality as shall correspond, as nearly as may be, with the number of polling places which would have been required if the said city, town or other local municipality had been subdivided into the proper number of polling sub-divisions.

17. In case it is necessary for any returning officer to divide any municipality (or any part thereof) into polling sub-divisions, he shall be paid by the treasurer of the municipality a reasonable allowance therefor

86. In case the name of any person entitled to vote is entered on the list of voters for more than one polling sub-division in any electoral district, such person may vote at the polling place for any one of such sub-divisions in his discretion, but no person shall vote or offer to vote at more than one polling place in any electoral district, at any election, under a penalty of two hundred dollars.

87. (*In part. As amended by 46 Vic., Cap. 2, Sec. 4.*) The returning officer, on the request of any elector entitled to vote who has been appointed deputy returning officer or poll clerk, or who has been named the agent of any of the candidates at a polling place other than the one where he is entitled to vote, shall give to such elector a certificate that such elector is entitled to vote at such election at the polling place where he is stationed during the polling day; and such certificate shall also state the property or other qualification in respect of which he is entitled to vote.

(2.) On the production of such certificate such elector shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the polling sub-division where he would otherwise have been entitled to vote; and the deputy returning officer shall attach the certificate to the voters' list, but no such certificate shall entitle any such elector to vote at such polling place unless he has been actually engaged as such deputy returning officer, poll clerk, or agent during the day of polling, or shall entitle any agent to vote who is disqualified under section five of this Act.

(3.) This section shall not apply to any municipality or territory for which there are no voters' lists or supplementary voters' lists, and no such certificate shall be issued to any person in respect of a claim to be a voter in any such municipality or territory.

(4.) No returning officer shall, under a penalty of four hundred dollars, give to more than two agents of the same candidate at any one polling place, a certificate under this section; and every such certificate shall name the polling place at which the agent is to be permitted to vote, and the candidate for whom he is agent; nor shall any re-

turning officer issue any certificate under this section except upon the personal or written request of the elector; and no such certificate shall be signed by the returning officer, until the name and qualification of the person to whom it is to be granted have been inserted therein.

(5.) No person who receives a certificate under this section whether as deputy returning officer, poll clerk or agent, shall thereafter either at the polling place named in the certificate, or at any other polling place, vote at the election until he has taken at the polling place where he proposes to vote, one or other of the oaths of qualification prescribed to be taken by voters, and any person violating the provisions of this sub-section shall be liable to a penalty of four hundred dollars, and every vote cast in contravention of this sub-section shall be null and void.

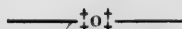
91. (*As lastly amended by 48 Vic., Cap. 2, Sec. 5.*) The deputy returning officer shall receive the vote of any person whose name he finds in the proper list of voters furnished to him, provided that such person if required by any candidate, or the agent of any candidate, or by the deputy returning officer himself, takes the oath or affirmation hereinafter mentioned, which such deputy returning officer is hereby empowered to administer.

(2.) Any person whose name is entered upon said list of voters as owner, tenant, or occupant of real estate, or as a landholder's son, or as a householder, and who is required to take such oath or affirmation as aforesaid, shall be at liberty to select for himself for that purpose either of the said forms numbered 18 and 20 in schedule A, whatever may be the description either in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the said list or roll; and where the person claims to be entitled to vote in respect of taxable income or as a wage-earner, the oath or affirmation to be taken shall be according to form 19 in said schedule A, and where the person claims to be entitled to vote in respect of a supplementary voters' list in any of the cases mentioned in sections 75 and 77 of this Act, the oath or affirmation to be taken shall be according to form 21 in said schedule A.

(3.) No other oath or affirmation shall be required of any person whose name is entered on any such list of voters as aforesaid.

## SCHEDULE OF FORMS

*Referred to in R. S. O., Cap. 10, Sec. 91, as substituted by 48 Vict.,  
Cap. 2, Sec. 6.*



### FORM 18.

*Oath of person voting as owner, tenant or occupant of real estate, or as a  
householder.*

You swear (1) that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the list of voters now shewn to you; (2) \* That on the (3) \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_, you were actually, truly and in good faith possessed to your own use and benefit, as either owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is as aforesaid entered on the said list of voters, and are as such entitled to vote at this election;

That you were at the time of the final revision and correction of the assessment roll on which said list of voters is based and are now actually and in good faith a resident of and domiciled within this electoral district;

†. That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1.) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2.) The deputy returning officer should hereupon shew the voters' list to the voter.

(3.) The date to be here inserted in administering the oath is at the choice of the voter, to be either the day certified by the clerk of the municipality to be the date of the return by the assessor of the assessment roll upon which the voters' list used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as finally revised.

## FORM 19.

*Ordinary form of Oath of Person voting in respect of Income, or as a Wage-Earner.*

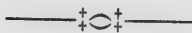
*(As in form 18 to \*).*

That on the (3) day of , one thousand eight hundred and you were, and thenceforward have been continuously, and still are, a resident of this municipality; That at the said date and for twelve months previously, you were from your trade, occupation, office, calling or profession, in receipt of an income or wages amounting to a sum not less than two hundred and fifty dollars; (4)

*(Then as in form 18 from + to end.)*

(3.) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based for the municipality.

(4.) If the municipality in which the voter is voting is a township, there must be added at the end of this clause the words following:—"Estimating as part of said income or wages the fair value of any board or lodging had, given to, or received by me during the said twelve months as, or in lieu, of wages."



## FORM 20

*Of oath for a landholder's son.*

*(As in form 18 to \*.)*

That on the (3) day of one thousand eight hundred and A. B. (4) was, as you verily believe, actually, truly, and in good faith, possessed to his (5) own use as owner, tenant or occupant of the property in respect of which your name is so as aforesaid entered on the said voters' list, and was then actually and in good faith residing and domiciled upon said property;

That you are a son of the said A. B.; (4) That you resided within this municipality with the said A. B. for and during the whole of the twelve months next before the return by the assessor of the assessment roll on which the voters' list used at this election is based, not having been absent during that period, except temporarily, and not more than six months in all;

That you are still a resident of this electoral district, and are entitled to vote at this election;

*(Then as in form 18 from + to end.)*

(3) The date to be here inserted in administering the oath is the day:

certified by the clerk of the municipality to be the date of the return by the assessor of the assessment roll upon which the voters' list used at the election is based.

(4) The name of the voters' father, or stepfather, or mother, or step-mother, should be inserted here.

(5) If the name of the voters' mother is inserted, then for *his* substitute *her*.

(6) If the voter is voting as a *stepson*, or *grandson*, or *son-in-law*, then for the word *son* substitute the word *stepson*, or *grandson*, or *son-in-law*, as the case may be.



#### FORM 21.

*Oath to be taken by Voter on a supplementary List of Voters, made where additions have been made to a City, Town or Village, or a new Village has been formed composed of Territory situated in two or more Electoral Districts.*

You swear (1) that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the supplementary list of voters now shewn to you ; (2) That on the (3) \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, you were actually, truly and in good faith possessed to your own use and benefit as owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is entered on the said supplementary list of voters, and are as such entitled to vote at this election ;

That you are actually and in good faith a resident of and domiciled within this electoral district ;

(Then as in form 18 from † to end.

Notes (1), (2), and (3), as in form 18.



#### *General note to all the forms.*

In the oath administered to a deputy returning officer, poll clerk, or agent voting upon a certificate issued under sec. 87. for "on the list of voters now shewn to you." substitute "on the list of voters for the municipality of \_\_\_\_\_", naming the municipality mentioned in the certificate.



See 47 Vic., Cap. 4, Ss. 22, 23 and Schedules, for special provisions respecting Elections in Algoma, East Peterborough, North Hastings, North and South Renfrew, Muskoka and Parry Sound, and forms of oath to be used.

*THE VOTERS' LISTS ACT*, (R. S. O., Cap 9) as amended by "*The Voters' Lists Finality Act*," (41 Vic., Cap. 21), "*The Voters' Lists Amendment Act, 1879*," (42 Vic., Cap. 3), and "*The Voters' Lists Amendment Act, 1885*," (48 Vic., Cap. 3.)



REVISED STATUTES OF ONTARIO, Chapter IX.

AN ACT RESPECTING VOTERS' LISTS.

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as "*The Voters Lists Act*."

2. (Section substituted by 48 Vic., Cap. 3, Section 2.)

(1.) The clerk of each municipality shall, immediately after the first revision and correction of the assessment roll in every year, make a correct alphabetical list in three parts (Form 1) of all persons being of the full age of twenty-one years and subjects of Her Majesty by birth or naturalization, and appearing by the assessment roll to be entitled to vote in the municipality, prefixing to the name of each person his number upon the roll.

(2.) The first of the three parts shall contain the names, in alphabetical order, of all male persons of full age and subjects as aforesaid, appearing by the assessment roll to be assessed for the real property or income requisite to entitle him to vote in the municipality at both municipal elections and elections for members of the Legislative Assembly.

(3.) The second part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, and of all widows and unmarried women of full age and subjects as aforesaid, and appearing on the assessment roll to be entitled to vote in the municipality at municipal elections only, and not at elections for members of the Legislative Assembly.

(4.) The third part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the municipality at elections for members of the Legislative Assembly only, and not at municipal elections.

(5.) The name of the same person shall not be entered more than once in any such part.

(6.) Where a municipality is divided into polling sub-divisions the list (to be made in three parts as aforesaid) shall be made for each of such sub-divisions.

(7.) If the qualification of any such person is in respect of real prop-



erty, the clerk shall, opposite the name of the person, insert, in the proper column of the voters' list, the number of any lot or other proper description of any parcel of real property in respect of which each person is so qualified; adding thereto, where the person is so qualified in respect of more than one such lot or parcel, the words "and other premises;" and in the case of the person being a landholder's son or a wage-earner within the meaning of *The Election Act* and any Act amending the same, the clerk shall also, in the proper column of the voters' list, state that fact and the place at which voter resides in the municipality.

(8.) Where a ward of any municipality is divided into polling subdivisions, and it appears by the assessment roll that any person is assessed in each of two or more such polling subdivisions in the ward for property sufficient to entitle him to vote, the clerk shall enter his name on the list of voters in one such sub-division only, and shall, as required by the preceding sub-section, insert opposite his name the additional words "and other premises;" and where, within the knowledge of the clerk, such person resides in one of such polling subdivisions, his name shall be entered as aforesaid in the list of voters for that polling sub-division.

(9.) Wherever it appears by the assessment roll that any person is assessed for property within the municipality sufficient to entitle him to vote, but that it lies partly within the limits of one of such subdivisions and partly within another or others, the clerk shall enter his name on the list of voters in one of the divisions only in which such property is situate, with the following words added: "Partly qualified in sub-division No. ———."

(10.) If the qualification is in respect of taxable income, the clerk shall, in the proper column of the voters' list, state that fact and the place at which the voter resides in the municipality.

(11.) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court, in case of an appeal, as provided in *The Assessment Act*, or when the time during which such appeal may be made has elapsed, and not before.

3. Immediately after the clerk has made the said alphabetical list, and within thirty days (*forty days in a city, V. L. A. Act, 1885*) after the final revision and correction of the assessment roll, the clerk shall cause at least two hundred copies of said list to be printed (in pamphlet form where practicable) and forthwith shall cause one of such printed copies to be posted up, and to be kept posted up in some conspicuous place in his own office, and deliver or transmit by post, by registered letter, or by parcel or book post, registered, three of such copies to each Judge of the County Court of the county to which for

judicial purposes, the municipality belongs ; and two copies to each of the following persons, that is to say :

(a.) Every member of the municipal council of the municipality, except the Reeve ;

(b.) The Treasurer thereof ;

(c.) The Sheriff of the county ;

(d.) The Clerk of the Peace ;

(e.) Every postmaster in the municipality ;

(f.) Every head master or mistress of a public or separate school in the municipality.

4. The clerk of the municipality shall forthwith also deliver or transmit by post, by registered letter, or by parcel or book post, registered, ten of such copies to each of the following persons, that is to say:

(a.) The member of the House of Commons for the electoral district in which the municipality or any part thereof lies ;

(b.) The member of the Legislative Assembly for the electoral district in which the municipality or any part thereof lies ;

(c.) Every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Legislative Assembly respectively ; and

(d.) The Reeve of the municipality.

5. (Section substituted by 48 Vic., Cap. 3, Sec. 9.) Upon each of the copies so sent to each person shall be a printed or written certificate (Form 2) over the name of the clerk, stating that such list is a correct list of all persons appearing by the last revised assessment roll of the municipality to be entitled to vote at elections for members of the Legislative Assembly, and at municipal elections in said municipality ; and further, calling upon all electors to examine the said list, and, if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

6. The sheriff shall, immediately upon the receipt of his copies, cause one of them to be posted up in a conspicuous place in the Court House ; the Clerk of the Peace, upon receipt of his copies, shall cause one of them to be posted in a conspicuous place in his office ; every public or separate school head master or mistress shall in like manner post up one of his or her copies on the door of the school house ; and every postmaster shall post up one of his copies in his post office.

7. The Clerk shall also forthwith cause to be inserted in some news-

paper published in the municipality, or in case no newspaper is published in the municipality, then in some newspaper published in the municipality next thereto, or in the county town, a notice (Form 3) signed by him, which shall state that he has delivered or transmitted the copies of said list as directed by this Act, and shall also mention the date of the first posting up of said list in his office. One insertion of such notice shall be sufficient.

8. (*Section substituted by 48 Vic., Cap. 3, Sec. 4.*) (1.) The said list of voters shall be subject to revision by the County Judge, at the instance of any voter or person entitled to be a voter in the municipality for which the list is made, or in the electoral district in which the municipality is situate, on the ground of the names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote; and upon such revision the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the Court of Revision, or had or had not been determined by that court; and upon such revision any person who is a wage-earner within the meaning of the *Election Act*, or of any Act amending the same, shall not be disentitled to have his name entered on said list, either by reason of his having omitted to make, sign, or deliver, any statement required by the provisions of *The Assessment Act* to be so made, signed or delivered by him, or by reason of his name not having been entered on the assessment roll as such wage-earner; and the decision of the judge under this Act, in regard to the right of any person to vote, shall be final so far as regards such person.

(2.) A complaint or appeal (Form 4) may be made on the ground of any person whose name is entered on the list being one of those who are disqualified or incompetent to vote under *The Election Act*.

(3.) If, before the final revision and correction of the assessment roll, any person named as a voter in the said list of voters has died or, having parted with the property in respect of which his name was entered in the voters' list, has, within the meaning of section 7 of *The Election Act of Ontario*, ceased to be a resident of the electoral district, the person who, at the time of such final revision and correction, was in possession of the said property shall, if otherwise qualified to vote, be entitled to apply to the judge to be entered on the said list instead of the person first named in this section; and the proceedings to be taken in any such case shall be the same as in cases of appeals under this Act.

(4.) Any person who is rated, or entered, or liable to be rated, or entered on the assessment roll, either for real property or income of the amount requisite to entitle him to vote, or as a landholder's son or a wage-earner, within the meaning of *The Assessment Act* or of *The Election Act*, or of any Act amending the same, and who will be of the age of twenty-one years at any time within sixty days from the final

revision and correction of the assessment roll, shall be entitled to apply to the judge to have his name entered upon the voters' list, or upon the assessment roll and the voters' list, as the case may require.

(5.) Any such landholder's son and any wage-earner entitled to be assessed or entered in the assessment roll of any municipality under *The Assessment Act*, or any Act amending the same, shall, in all respects and for all purposes, have the right to apply and complain to the judge on the revision of the voters' lists, and to have his name entered and inserted in the list.

9. Any voter or person entitled to be a voter making any complaint of any error or omission in the said list shall, within thirty days after the Clerk of the municipality has posted up the said list in his office, give to the Clerk or leave for him at his residence or place of business, notice (Form 6) in writing of his complaint and intention to apply to the judge in respect thereof; and if the office of Clerk is vacant by reason of death, resignation, or from any other cause, such notice may be given in like manner to the head of the Council of the municipality; and the proceedings thereafter by the clerk, judge, and parties respectively, and the respective powers and duties of the judge, clerk, and other persons, shall be the same, or as nearly as may be the same, as in the case of an appeal from the court of revision; but no deposit shall be required to be made before any such complaint is heard or disposed of.

(2.) If the notice is given to or left for the head of the council, he shall perform or cause to be performed such necessary acts as should be performed by the clerk if there were one.

*Subsection added by 48 Vic., Cap. 3, Sec. 10.)*

(3.) No judge shall proceed with the holding of any court for hearing complaints as aforesaid, unless and until notice (Form 10) of the time and place of holding said court shall by the clerk have been published at least ten days before the sittings of such court, in some newspaper published in the municipality, or if there be no such paper, then in some newspaper published in the nearest municipality in which one is published.

*(The proceedings, &c., "in the case of an appeal from the Court of Revision, are regulated by "The Assessment Act," (R. S. O., Cap. 180.) The following extracts comprise all that are applicable to Voters' Lists.)*

Sec. 56. (In part.)

(3.) The Clerk shall give notice to *(the party complaining)* of the time when the matter will be tried. (Form 11.)

(9.) The clerk shall prepare a notice for each person with respect to whom a complaint has been made. (Form 12.)

(10.) If the person resides or has a place of business in the local muni-

city, the clerk shall cause the notice to be left at the person's residence or place of business.

(11.) If the person is not known, then the notice shall be left with some grown person on the assessed premises, if there is any such person there resident; or if the person is not resident in the municipality, then the notice shall be addressed to such person through the post office.

(12.) Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sittings of the Court.

Sec. 59. (*In part*)

(3.) The judge shall notify the clerk of the day he appoints for hearing appeals.

(4.) The clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided under the fifty sixth section of this Act; but in the event of failure by the clerk to have the required service in any appeal made, or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

(5.) The clerk of the municipality shall cause a conspicuous notice to be posted up in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a court will be held to hear appeals. (Form 9.)

(6.) The clerk of the municipality shall be the clerk of such court.

(7.) At the court so holden the judge shall hear the appeals, and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure. (*Limited by sec. 8 of "the Voters' List Finality Act."*)

Sec. 60 (*In part*.) At the court to be holden by the county judge, or acting judge of the court, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of appeal.

Sec. 61. In all proceedings before the county judge or acting judge of the court, under or for the purposes of this Act, such judge shall possess all such powers for compelling the attendance of and for the examination on oath of all parties, whether claiming, or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, in the division court or in the county court, either in term time or vacation.

10. Section substituted by 48 Vic., Cap. 3, Sec. 7.

(1.) Any party may obtain from the County Court a subpoena (Form 13), or from the County Judge an order, requiring the attendance at

the court for hearing complaints as aforesaid, at the time mentioned in such subpoena or order, of a witness residing or served with such subpoena or order, in any part of this Province; and requiring any such witness to bring with him and produce at the court any papers or documents mentioned in the subpoena or order, and every witness served with such subpoena or order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service.

(2.) Any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, the list of which is the subject of complaint, or within the municipality in which the court is held, upon being served with a subpoena or order therein, obey the same without being tendered or paid any allowance for his expenses; and where any such complaint is by or in respect of a person whose name is entered in the list of voters as being, or who is alleged to be, a wage-earner or landholder's son within the meaning of *The Assessment Act* or of *The Election Act*, or of any Act amending either of said Acts, such subpoena or order shall be deemed to have been sufficiently served upon such person under the provisions of this section:

(a.) If such subpoena or order is served upon him personally;  
or

(b.) Where such person has a known residence or place of business within said municipality, if a copy of such subpoena or order is left for him with some grown person at such residence or place of business;  
or

(c.) Where such person has no known residence or place of business within the municipality, if a copy of such subpoena or order is mailed to him through the post office, with the postage thereon prepaid and addressed to him at the post office address contained in any written affirmation made by him under *The Assessment Act*, or any Act amending the same; or

(d.) Where such person is a landholder's son as aforesaid, if a copy of such order or subpoena is left for him with some grown person at the residence of the landholder whose son he is.

(3.) If any person, whose right to be a voter is the subject of enquiry, does not attend in obedience to such subpoena or order, the judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of such non-attendance, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person according to his discretion, or do both.

(4.) Any number of names may be inserted in one subpoena or judge's order, in any case of complaint.



11. In case no complaint respecting such list is received by the clerk of the municipality within thirty days after he has posted up the said list in his office, the said clerk shall forthwith apply (Form 14), either in person or by letter, to the judge to certify (Form 15) three copies of such list as being the revised list of voters for the municipality; and the judge shall retain one of such certified copies of the list, and deliver or transmit by post, registered, one of such certified copies to the clerk of the Peace for the county or union of counties within which the municipality lies, and one of such certified copies to the clerk of the municipality, to be kept by him among the records of his office.

12. *As amended by 42 Vic., Cap. 3, Sec. 5.* In case complaints are made as aforesaid, immediately after the list has been finally revised and corrected by the judge, the judge shall make or cause to be made, and shall sign, a statement (Form 16) in triplicate setting forth the changes, if any, which he has made in the list; and shall certify in triplicate (Form 17) a corrected copy of the list. And such statement in triplicate, and such corrected copies of the said list, shall, if the judge so order, and under his directions and supervision, be prepared by the clerk of the municipality, and for that purpose the judge shall forthwith after said list has been so finally revised and corrected, transmit or deliver to said clerk all necessary papers and directions, which said papers and directions, together with such statement in triplicate and such corrected copies, shall within, at latest, the week next after the said list has been so finally revised and corrected as aforesaid, be re-transmitted and delivered by said clerk to said judge, who thereupon shall immediately sign the said statement and certify the said corrected copies as aforesaid, but should the said statement and corrected copies not be re-transmitted and delivered by said clerk to the judge within the time above mentioned, the judge shall immediately thereafter make and sign the said statement and certify the said corrected copies of the said list.

(2.) The judge shall retain one of such certified copies and one statement, and shall deliver or transmit by post, registered, one of such certified copies and one statement to the clerk of the peace for the county or union of counties within which the municipality lies, and one of such certified copies and one statement to the clerk of the municipality, to be kept by him among the records of his office.

13. It shall be the duty of the municipality within which a court is holden, to provide some suitable and convenient place, properly furnished, heated and lighted, for the holding of such court, and in case such is not done, the judge may hold said court at such other place in the county as he may deem proper; and if the same is held elsewhere than in the county court house, the proprietor or proprietors of the building in which it is held may recover from the municipality which should have made such provision the sum of five dollars for each and every day during which such building is used for the purposes.

of such court. Any court held in the county town shall be held in the county court house, or in such other place in said county town as the judge may deem proper.

14. In all proceedings before the judge under this Act, the judge shall have, with reference to the matters herein contained, all the powers which belong to or might be exercised by him in the county court.

15. (*As affected by 41 Vic., Cap. 21, Sec. 16.*) The judge shall have power to appoint some proper person to attend at the sitting of the court as a constable or bailiff, and the duties and powers of such person thereat shall be as nearly as may be the same as those of the bailiff of a division court at a sitting of a division court and in reference thereto; and the expenses of the person so appointed and attending shall be borne by the municipality the list for which is the subject of investigation.

16. (*As amended by 42 Vic., Cap. 3, Sec. 7.*) The Clerk of every municipality shall be subject to the summary jurisdiction and control of the county judge in respect to the performance of his duty under this Act, and in respect to every act required to be performed by such clerk touching the voters' list, in the same manner as officers of the county court are to the court.

17. If the judge who holds a court believes or has good reason to believe that any person or persons have contravened the twenty-seventh or thirtieth sections of this Act, or that frauds in respect to the assessment or the voters' lists have prevailed extensively in the municipality, it shall be his duty to report the same to the Provincial Secretary, with such particulars as to names and facts as he may think proper.

18. The judge shall have power to amend any notice or other proceeding upon such terms as he may think proper.

19. If any appellant or complainant entitled to appeal dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the clerk as aforesaid, is afterwards found not to be entitled to be an appellant, the judge may, if he thinks proper, allow any other person who might have been an appellant or complainant to intervene and prosecute such appeal or complaint, upon such terms as the judge may think just.

20. In case of errors being found in the said voters' list on the said revision thereof, whether such errors are in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, if it appears to the judge that the assessor was blameable for any of the said errors, the judge shall order (Form 18) the assessor, either alone or jointly with any other person, to pay all costs occasioned by the same; and in case of errors for which the clerk was to blame, the clerk, either alone or jointly with any other person, shall be charged with the costs; and in case of errors of the court of

revision, the municipality shall, either alone or jointly with any person, pay the costs, subject to any claim which the municipality may justly have against the guilty parties; or the judge may order the assessor, clerk, or municipality in any such case, to pay the costs, if any party fails to recover the same from any other party named and ordered to pay the same; and in all cases not herein provided for, the costs shall be in the discretion of the judge.

(2) No costs shall be allowed on any proceeding under this Act, other or higher than would be allowed in the division court under the lowest scale of costs in actions therein.

(3.) The only costs to which an appellant shall be liable shall be the witness fees, unless in a case of bad faith on his part.

21. The payment of any costs ordered to be paid by the judge may be enforced by an execution (Form 19) against goods and chattels, to be issued from any County Court upon filing therein the order of the judge, and an affidavit shewing the amount at which such costs were taxed, and the non-payment thereof.

22. If any person not assessed, or not sufficiently assessed, is found entitled to vote, the municipality shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the judge; and the judge shall make an order (Form 20) setting forth the names of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists, and each order shall be transmitted to the clerk of the municipality, and shall have the same effect as if the said particulars had been inserted in the roll.

23. The times appointed for the performance, by the clerk of the municipality, of the duties required of him by this Act, shall be directory only to the said clerk; and the non-performance by him of any of the said duties within the times appointed, shall not render null, void or inoperative any of the lists in this Act mentioned.

24. In case the clerk of any municipality fails to perform any of the duties aforesaid, the clerk of the peace shall forthwith apply (Form 21) summarily to the County Judge or the junior or acting judge of the County Court for the county within which such municipality is situate, to enforce the performance of the same.

(2.) The application may also be made by any person entitled to be named as an elector on the list in respect of which the application is made.

(3.) The judge shall, on such application, require (Form 22) the clerk of the municipality, and any other person he sees fit, to appear before him and produce the assessment roll and any documents relating thereto, or to the list in respect to which the application is made,

and to submit to such examination on oath as may be required of him or them, and the judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purposes aforesaid.

(4.) The clerk of the municipality shall be personally liable for and shall pay the costs of the proceedings, unless on some special grounds the judge shall see fit to order otherwise, and in such special case the costs shall be in the discretion of the judge.

(5.) Such proceedings and such order of the judge shall not in any wise exonerate or release the clerk from liability to the penalty hereinafter imposed.

25. If any clerk of a municipality omits, neglects or refuses to complete the voters' list, or to perform any of the duties hereinbefore required of him for his municipality, such clerk, for each such omission, neglect or refusal, shall incur a penalty of two hundred dollars.

26. If any clerk of a municipality, or clerk of the peace, or any other person, wilfully makes any alteration, omission or insertion, or in any way wilfully falsifies any such certified list or copy, or permits the same to be done, every such person shall incur a penalty of two thousand dollars.

27. No person shall make, execute, accept or become a party to any lease, deed or other instrument, or become a party to any verbal arrangement, whereby a colorable interest in any land, house or tenement is conferred, in order to qualify any person to vote at an election; and any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of one hundred dollars, and any person who induces or attempts to induce another to commit an offence under this section, shall incur a like penalty.

28. The penalties mentioned in the three next preceding sections may be recovered with costs of suit by any person suing for the same in any court of competent jurisdiction.

29. To prevent the creation of false votes, where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, or as possessing the income which entitles him to vote in the municipality at an election, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, it shall be the duty of the assessor to make reasonable enquiries before assessing such person.

30. Any assessor who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount, with intent in either case to give to any person not entitled thereto an apparent right of voting at any election, or who wilfully inserts any fictitious

titious name in the assessment roll, or who wilfully and improperly omits any name from the assessment roll, or assesses any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court.

31. The clerk of the peace and the clerk of any municipality having the custody of the list of voters of any municipality or part of any municipality or place, shall furnish a certified copy of such list, then last revised and corrected, or of any of the parts thereof, to any person who may require such copy or part, on being paid for the same by such person at the rate of four cents for every ten voters whose names are on such list or part; the said officers may furnish printed copies, for each of which they shall be entitled to receive six cents instead of the fee aforesaid; and the officers shall verify any alterations made therein by writing their initials in close proximity thereto. If the alterations or interlineations exceed one hundred, it shall be the duty of the said officers to furnish written copies.

(2.) For each copy of the voters' list or of any of the parts thereof furnished to the returning officer, according to Form 8 in Schedule A to "*The Election Act*," or according to Schedule C to "*The Municipal Act*," the Clerk of the peace furnishing the same shall be entitled to receive the sum of six cents for every ten voters whose names are on such list or part, as the case may be.

32. The Board of County Judges may, if requested so to do by the Lieutenant-Governor, frame rules and forms of procedure for the purpose of better carrying this Act into effect; and such rules and forms shall, after being approved of by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act.

33. The words Householder (H), Freeholder (F), and Tenant (T), appearing on the assessment roll pursuant to the Assessment Act, shall, for the purposes of this Act, be held to also mean respectively, Occupant (Oc), Owner (O), or Tenant (T), and shall be so entered in the voters' list by the clerk of the municipality.

34. In carrying into effect the provisions of this Act, the forms set forth in the schedule hereto may be used, and the same, or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said schedule.

# SCHEDULE OF FORMS

## FORM I.—(Section 2.)

### FORM OF VOTERS' LIST.

(As substituted by 42 Vict., Cap. 3, Sec. 9)

#### VOTERS' LIST, 18 . . . MUNICIPALITY OF

##### SCHEDULE OF POST OFFICES :

- |                   |                      |
|-------------------|----------------------|
| 1. North Augusta. | 3. Wright's Corners. |
| 2. Maitland.      | 4. Prescott.         |

Polling Sub-division No. I, comprising, &c., (giving the limits) .

PART I.—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.

No. on Roll.	Name.	Lot.	Con or Street		P. O. Address.
6	Anderson, Henry	N W. $\frac{1}{4}$ 6	3	Owner	1
14	Andrews, John...	W 14 acres, 8	1	Tenant	4
1	Archer, James...	2	6	Income	4
50	Brown, Simon...	W $\frac{1}{2}$ 9	2	F'mrs son	3
71	Burton, Samuel...	E $\frac{1}{2}$ 17	4	See sub.	2
		&c.	&c.	Div. No.	
				&c	&c.

PART II.—Persons entitled to vote at Municipal Elections ONLY :

No. on Roll.	Name.	Lot	Con or Street		P. O. Address.
4	Archer, Henry...	4	3	Owner	2
82	Burke, Edmund..	W $\frac{1}{2}$ 17	$\frac{1}{4}$	F'mrs son	4
	&c.	&c.	&c.	&c.	&c.

PART III.—Persons entitled to vote at Elections to the Legislative Assembly ONLY :

No. on Roll.	Name.	Lot.	Con or Street		P. O. Address.
43	Ackroye, James..	n half 3	4	Tenant	3
8	Amos, Joseph....	3	7	Owner	3
	&c.	&c.	&c.	&c.	&c.

Polling Sub-division No. 2, &c.

## FORM 2 -(Section 5.)

## CERTIFICATE TO BE ENDORSED ON VOTERS' LIST.

I, A. B., Clerk of the municipality of \_\_\_\_\_, in the county of \_\_\_\_\_, do hereby certify that parts one and three of the within (or above) list constitute a correct list for the year 18\_\_\_\_ of all persons appearing by the last revised assessment roll of the said municipality to be entitled to vote at elections for members of the Legislative Assembly; and that parts one and two constitute a correct list for said year of all persons appearing by the said roll to be entitled to vote at municipal elections in said municipality, and I hereby call upon all electors to examine the said list, and if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

A. B.,  
Clerk of \_\_\_\_\_



## FORM 3—(Section 7.)

## CLERK'S NOTICE OF FIRST POSTING UP OF VOTERS' LIST.

Voters' List, 18\_\_\_\_, municipality of the \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_.

Notice is hereby given that I have transmitted or delivered to the persons mentioned in the third and fourth sections of "the Voters' List Act," the copies required by said section to be so transmitted or delivered of the list, made pursuant to said Act, of all persons appearing by the last revised assessment roll of the said municipality to be entitled to vote in the said municipality at elections of members of the Legislative Assembly and at municipal elections and that said list was first posted up at my office, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and remains there for inspection. Electors are called upon to examine the said list, and if any omissions or any other errors are found therein, to take immediate proceedings to have the said errors corrected according to law.

Dated, &c.

A. B.,  
Clerk of the said municipality.



## Form 4.—(Sec. 8, Sub-Sec. 2.)

## VOTER'S NOTICE OF COMPLAINT ON GROUND OF DISQUALIFICATION.

To the Clerk of the Municipality of the Town \_\_\_\_\_ of \_\_\_\_\_.

I, ANGUS BELL, a voter (or "a person entitled to be a voter") in the said municipality (or "for the electoral district in which the municipality is situated,") complain that the name of John Jack is wrongly entered in the voters' list for the said municipality, he being a person disqualified un-



the section of "The Election Act" And take notice, that I intend to apply to the judge in respect thereof, in pursuance of the statute in that behalf.

Dated the       day of       , 18 .

ANGUS BE L,  
Residence, Township of York.

§§

FORM 5—(Section 8, sub-sec. 3.)

NOTICE AND APPLICATION BY VOTER TO WHOM PERSON ASSESSED HAS TRANSFERRED PROPERTY.

To the Clerk of the Municipality of the Town       of       .

I, Luke Doran, a person entitled to be a voter in the said municipality, complain that the name of Peter Short is wrongly inserted in the Voters' List for the said municipality, he having before the final revision and correction of the assessment roll transferred to me the property in respect to which his name is entered on the said list, (or "parted with the property in respect to which his name is entered on the Voters' List, and that I am in possession of the same"); and take notice that I intend to apply to the judge to have my name entered on the said list, instead of the said Peter Short, pursuant to the provisions of the statute in that behalf.

Dated the       day of       18 .

LUKE DORAN.

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FORM 6—(Section 9)

VOTER'S NOTICE OF COMPLAINT.

To the Clerk of the Municipality of the Town       of       .

I, James Smith, a voter (or "person entitled to be a voter") for the electoral district of       , in which the said municipality is situated, complain (state the names of the persons in respect to whom complaint is made, and the ground of complaint touching each person respectively, or set forth in lists as follows, varying according to circumstances), that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said municipality, as shown in said list, but are wrongfully omitted from the Voters' List; that the several persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongfully stated in said Voters' List, as shown in said list No. 2; that the several persons whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in the said Voters' List, as shown in said list No. 3; and that there are errors in the description of the property in respect to which the names respectively are entered on the Voters' List, (or stating other errors), as shown in the subjoined list No 4; and take notice that I intend to apply to the judge in respect thereof, pursuant to the statute in that behalf.

Dated the       day of       , 18 .

JAMES SMITH,  
Residence, Township of Beby.

*List of Complaints mentioned in the above Notice of Complaint.***LIST No. 1.—(Shewing Voters wrongfully omitted from the Voters' List.)**

Names of Persons.	Grounds on which they are entitled to be on the Voters' List.
James Tupper Simon Beaucherk Angus Blain	Tenant to John Fraser, of N half lot 1, 2nd con. Owner in fee of N W quarter, lot 6, in 8th con. Assessed too low—property worth \$

**LIST No. 2.—Shewing Voters wrongly named in the Voters' List.**

Names of Persons	Polling Sub-Div'n.	Part of List	The errors in statement on Voters' List.
Joshua Townsend	2	1	Should be <i>Joseph</i> Townsend.
John McBean	4	1	Should be John McBean, the younger.
S. Connell	3	2	Should be Simon O'Connell. &c., &c.,

**LIST No. 3.—(Shewing persons wrongfully inserted in the Voters' List.)**

Names of Persons	Polling Sub-Div'n	Part of List	Statement why wrongfully inserted in Voters' List.
Peter White	4	1	Died before final revision of Roll
John May	3	2	Tenancy expired—left country.
David Walters	2	2	Assessed too high, property worth under \$ &c., &c.

**LIST No. 4.—(Shewing Voters whose Property is erroneously described in Voters' List, &c.)**

Names of Persons	Polling Sub-Div'n.	Part of List	Errors in respect to property or otherwise stated.
Step'n Washburn	3	2	Name should be in Sub-Division No. 2.
Thomas Gordon.	2	1	Property should be W half lot 7, in 3rd con
Ronald Blue	4	2	Should be described as owner—not tenant

**Form 7.—(Section 9.)****CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE.**

To His Honor the Judge of the County Court of the County of :—

The Clerk of the municipality of states and reports that the several persons mentioned in column 1 of the schedule below, and no others, have each given to him (or "left for him at his residence or place of abode" as the fact may be) written notice complaining of errors or omis-

omissions in the Voters' List for the said Municipality for 18 , on the grounds mentioned in column 2 of the said schedule, and that such notices were received respectively at dates set down in column 3 of the said schedule.

Dated, &c.

A.B.,

Clerk of the said Municipality.

**SCHEDULE.**

1. Name of Complain- ants.	2. Errors or Omissions com- plained of.	3. Date when notice of Com- plaint received by Clerk.

—+○+—  
FORM 8—(Section 9.)

**JUDGES' ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND APPEALS.**

To , Clerk of the Municipality of the

Upon reading your report and notification respecting the Voters' List for the said Municipality for 18 , pursuant to the statute in that behalf, I appoint the of 18 , at the hour of at in the said County, for holding a Court to hear and determine the several complaints of errors and omissions in the said Voters' List, of which due notice has been given.

You are constituted Clerk of the Court.

You will advertise the holding of such Court, and post up in your office or the place in which the council hold their sittings, a list of all complaints of errors and omissions in the said Voters' List; and you will notify all parties concerned according to law.

Let the assessor for the Municipality attend the sittings of the said court, and let the original assessment roll of the Municipality for 18 , and the minutes of the Court of Revision for the Municipality for 18 , be produced before me or the acting Judge on the day and at the place above mentioned.

Dated day of , 18 .

\_\_\_\_\_  
Judge Co. Court, Co. of .

—+○+—  
FORM 9—(Section 9.)

**NOTICE TO BE POSTED BY THE CLERK IN HIS OFFICE WITH LIST OF COMPLAINTS.**

Notice is hereby given that a Court will be held, pursuant to "The Voters' Lists Act," at , on the day of , 18 , at

o'clock, M., for the purpose of hearing all complaints made against the Voters' List for the Municipality of \_\_\_\_\_ for 18\_\_\_\_, particulars of which complaints are shewn in the subjoined schedule.

All persons having business at the Court are hereby required to attend at the said time and place.

Dated, \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B.,  
Clerk of the said municipality.

#### SCHEDULE.

Name of party complaining.	Name of person in respect to whom appeal was made	Grounds of complaint alleged.
_____	_____	_____

#### FORM 10—(Section 9.)

##### CLERK'S ADVERTISEMENT OF COURT IN NEWSPAPER.

Notice is hereby given that a Court will be held, pursuant to "The Voters' Lists Act," by His Honor the Judge of the County Court of the County of \_\_\_\_\_, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_ o'clock, to hear and determine the several complaints of errors and omissions in the Voters' List of the Municipality of \_\_\_\_\_ for 18\_\_\_\_.

All persons having business at the court are required to attend at the said time and place.

A. B.,  
Clerk of the said Municipality.

Dated, \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

#### FORM 11—(Section 9.)

##### CLERK'S NOTICE TO PARTY COMPLAINING.

##### *The Voters' Lists Act.*

You are hereby notified that, pursuant to the statute in that behalf, a Court for the revision of the Voters' List, 18\_\_\_\_, for the Municipality of \_\_\_\_\_, will be held by the Judge (or acting Judge) of the County Court of the County of \_\_\_\_\_, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_ o'clock, at which Court all complaints duly lodged of any error or omission in the said list will be heard and determined. A list of said complaints is posted up in \_\_\_\_\_, and you are hereby required to be and appear at such court; and take notice that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of His Honor the Judge of the County Court of the County of \_\_\_\_\_ of \_\_\_\_\_.

Dated \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B.,  
Clerk of the municipality of \_\_\_\_\_, and constituted Clerk of said court.

To \_\_\_\_\_,

A person complaining of error in the said Voters' List.

## FOBM 12.—(Section 9.)

## CLERK'S NOTICE TO PARTY COMPLAINED AGAINST.

## "The Voters' Lists Act."

You are hereby notified that, pursuant to the statute in that behalf, a Court for the Revision of the Voters' List, 18 , for the Municipality of , will be held by the Judge (or acting Judge) of the County Court of the County of , at , on the day of , 18 , at o'clock, and you are required to appear at the said Court, for that has complained that your name is wrongly inserted in the said Voters' List, ("because," &c., state matter of complaint concisely.) A list of all complaints lodged is posted up in ; and take notice, that the Judge may proceed to hear and determine the said complaint whether you appear or not.

By order of His Honor the Judge of the County Court of the County of .

To , entered on said Voters' List.

A. B.,

Clerk of the said Municipality and constituted Clerk of the said Court.

—+○+—

## FORM 13—(Section 10.)

{ SEAL }

## SUBPENA

ONTARIO, } VICTORIA, by the Grace of God, of the United  
County of . } Kingdom of Great Britain and Ireland, Queen,  
To Wit: } Defender of the Faith.

To

GREETING :

We command you that, all excuses being laid aside, you be and appear in your proper person before our Judge of our County Court of the County of , at , on the day of , 18 , at o'clock in the noon, at a Court appointed, and there and then to be held, for hearing complaints of errors in the Voters' List for 18 , of the Municipality of the of , in the County of , and for revision of the said Voters' List, then and there to testify to all and singular those things which you know in a certain matter (or matters) of complaint made and now depending before the said Judge, under "The Voters' Lists Act," wherein one is complainant, and which complaint is to be tried at the said Court. Herein fail not.

Witness, His Honor , Judge of our said Court at , the day of , in the year of Our Lord one thousand eight hundred and .

A. B.,

Clerk.

## FORM 14.

## REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER SECTION 11.

To the Judge of the County Court of the County of \_\_\_\_\_.

I, \_\_\_\_\_, Clerk of the Municipality of \_\_\_\_\_, in the said County of \_\_\_\_\_, do hereby certify as follows:

That I did, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, post up, and for a period of thirty days next thereafter keep posted up, in a conspicuous place in my office at \_\_\_\_\_, a true and correct printed copy of the Voters' List for the said Municipality of \_\_\_\_\_ for 18\_\_\_\_, made in pursuance of "*The Voters' Lists Act*," with the certificate required by section five of the said Act endorsed thereon.

That I did also duly deliver and transmit by post, by registered letter, (or "by parcel post registered," or "by book post"), the required number of similar printed copies of the said Voters' List, with my certificate endorsed, to each and all of the persons entitled to the same under sections three and four of the said Act.

That I did on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, cause to be inserted in the newspaper called the "*\_\_\_\_\_*," published in \_\_\_\_\_, the notice required by section seven of the said Act.

That no person gave me, nor did I receive, any written notice of complaint and intention to apply to the Judge, or junior or acting Judge, of the County Court of the said County of \_\_\_\_\_ in respect to the said Voters' List within thirty days after I, the said Clerk, had posted up the said list in my office, as directed by the provisions of the said Act.

And that to the best of my knowledge and belief I have complied with the several requirements of the said Act, so as to entitle me to apply for certified copies under the eleventh section of the said Act; and I do hereby, in pursuance thereof, now apply to you, the said Judge, to certify three of the copies of the said list received by you as being the revised list of voters for the Municipality of the said \_\_\_\_\_ of \_\_\_\_\_ for the year of Our Lord 18\_\_\_\_.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

\_\_\_\_\_  
Clerk of the Municipality of \_\_\_\_\_.

\_\_\_\_\_  
P. O.

—†(†)†—

## FORM 15.—(Section 11.)

## CERTIFICATE OF NO COMPLAINTS.

County of \_\_\_\_\_,

A. B., Clerk of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_, having certified under his hand that no complaint respecting the List of Voters for said Municipality, for the Year 18\_\_\_\_, had been received by him within thirty days after the first posting up of the same; and on application of the Clerk, \_\_\_\_\_, I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_, in pursuance of the pro-

visions of "The Voters' Lists Act," certify that the annexed printed List of Voters, being one of the copies received by me from the said Clerk, under Section three of the said Act, is the Revised List of Voters for the said Municipality for the Year 18 .

Given under my hand and seal, at , this day of , 18 .  
Judge.

§-§-

FORM 16, -(Section 12.)

STATEMENT OF ALTERATIONS BY JUDGE.

Be it remembered, that upon a final revision and correction of the List of Voters of the Municipality of the of for the Year 18 , pursuant to the provisions of "The Voters' Lists Act," the following changes were duly made by me in the copies of the said List received by me from the Clerk of the said Municipality, viz :

1. The following persons are added to the said List :—

Name.	Polling Sub-Div'sn	Part of List.	Property.

2. The following persons are struck off the said List :

Name.	Polling Sub-Div'sn	Part of List.	Property.

3. The following changes are made in the property described opposite to the names of voters otherwise correctly inserted

Name.	Polling Sub-Div'sn	Part of List.	Property as origin- ally described on List.	Property as alter- ed.

4. The following changes are made in the names of Voters incorrectly named.

Name originally on List.	Polling Sub-Division	Part of List.	Name as altered.	Property.

Witness my hand, this day of , A. D. 18 .

County Judge, County of .



## FORM 17—(Section 12.)

## CERTIFICATE OF JUDGE.

I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_, pursuant to the twelfth section of "*The Voters' Lists Act*," do hereby certify that the above (as the case may be) is a corrected copy of the list of voters for the year 18\_\_\_\_, received by me from the Clerk of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_, according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

\_\_\_\_\_  
Judge.



## FORM 18—(Section 20.)

## ORDER FOR PAYMENT OF COSTS.

## "The Voters' Lists Act."

In the matter of the Voters' List for the Municipality of \_\_\_\_\_, 18\_\_\_\_, and of the complaint and appeal to the Judge of the County Court of the County of \_\_\_\_\_, by A. B., complaining of the name of C. D. being wrongly inserted in the said list, (or, as the case may be, stating in brief the nature of the complaint).

On proceedings taken before me, pursuant to the said Act, I find and adjudge that the name of the said C. D. was rightly inserted in the said list, (or, "*was wrongly inserted in the said list.*") and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint, (or, "and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint," or, "and order that E. F., the Assessor of the said Municipality, being blameable for such wrong insertion, do pay the said A. B. his costs incident to the said complaint," or, as the case may be, stating it in brief), said costs to be taxed pursuant to the said Act

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

\_\_\_\_\_  
Judge.



## FORM 19—(Section 21)

## WRIT OF EXECUTION.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith:

To the Sheriff of the \_\_\_\_\_

GREETING:

We command you that of the goods and chattels in your bailiwick of C. D., you cause to be made \_\_\_\_\_ dollars, for certain costs which lately, by an order of His Honor \_\_\_\_\_, Judge of the County

Court of \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, were ordered to be paid by the said C. D. to A. B., as and for his costs sustained by him on the trial of a complaint against the Voters' List for the Municipality of \_\_\_\_\_, in the said County. for 18\_\_\_\_, made and prosecuted under the provisions of "*The Voters' Lists Act*," which said costs have been taxed and allowed at the said sum, as appears of record; and have that money before Our Judge of Our said Court at \_\_\_\_\_ immediately after the execution hereof, and in what manner you shall have executed this Our writ, make appear to Our Judge aforesaid at \_\_\_\_\_ immediately after the execution thereof, and have you there then this writ.

Witness, His Honor \_\_\_\_\_, Judge of Our said Court, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord 18\_\_\_\_.

A. B.,  
Clerk.

—§§—  
FORM 20—(Section 22.)

ORDER FOR ASSESSMENT OF PERSONS OMITTED FROM ROLL, &c.

In the matter of assessment for the year 18\_\_\_\_, in the Municipality of \_\_\_\_\_

The persons mentioned in the first column of the schedules following not being assessed, or not being sufficiently assessed, on the assessment roll of the Municipality of \_\_\_\_\_, for the year 18\_\_\_\_, and having been found entitled to vote, on proceedings taken before me, \_\_\_\_\_, Judge of the County of \_\_\_\_\_, under "*The Voters' Lists Act*," In pursuance of the twenty-second section of the said Act, it is adjudged that the said parties mentioned in the first columns of the following schedules respectively should have been assessed for the sums mentioned in the second columns respectively opposite their respective names, in respect to the land or other property or qualification mentioned in the third columns of said schedules respectively opposite the respective names of said parties, and it is ordered that the said parties should be assessed accordingly.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 18\_\_\_\_.

\_\_\_\_\_  
Judge.

SCHEDULE 1.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Names of persons liable to have been assessed on the Assessment Roll for the Municipality of _____, for the Year 18____, but not assessed.	Amount for which the parties should have been assessed.	Property in respect to which the liability to assessment exists.
_____	_____	_____
_____	_____	_____

## SCHEDULE 2.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Names of persons not sufficiently assessed on the Assessment Roll for the Municipality of , for the Year 18 .	Amount for which the parties should be assessed in addition to the amount already on the Assessment Roll.	Property in respect to which the liability too assessment exists.

## FORM 21—(Section 24.)

## APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

Pursuant to the twenty-fourth section of "*the Voters' Lists Act*," I, A. B., Clerk of the Peace for the County of , (or, "a person entitled to be named as an elector on the Voters' List for the Municipality of , for 18 ;") hereby inform His Honor the Judge of the County Court of the said County, that C. D., Clerk of the Municipality of , in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he the said C. D. has not made out the alphabetical list of voters for 18 , for the said Municipality, within thirty days after the final revision and correction of the assessment roll thereof (or "has not delivered or transmitted printed copies of the Voters' List for the said Municipality for 18 , to and and or to any of them," or, as the case may be, stating in brief the duty not performed), according to the requirements of the said Act; and I apply to you, the said Judge, to enforce the performance of the duties aforesaid, and to take such other proceedings as may be necessary.

Dated at , this day of , 18 .

A. B.,  
Clerk of the Peace.

## FORM 22.—(Section 24, Sub-sec. 3.)

## SUMMONS.

## "The Voters' Lists Act."

In the matter of the Voters' List for the Municipality of in the County of , for 18 .

Whereas it appears by the application of A. B., the Clerk of the Peace for the said County (or "a person entitled to be named as an elector on the said List"), made to me in pursuance of the said Act, that you, C. D.,

the Clerk of the said Municipality, have failed to perform certain duties required of you by the said Act, in this, that you have not made out the Alphabetical List of voters for 18 , for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or, as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You, the said C. D., are therefore hereby required to be and appear before me at my chambers, in , on the day of , 18 , at the hour of , and then and there have with you and produce before me the Assessment Roll for 18 , for the said Municipality, and any documents in your custody, power or control, relating to the Assessment Roll, or to the Voters' List aforesaid, and then and there submit yourself for the examination on oath as may be required of you. Herein fail not at your peril.

Dated this day of , 18 .

To C. D.,  
Clerk of the Municipality of .

\_\_\_\_\_,  
Judge.

**“THE VOTERS’ LISTS FINALITY ACT,”** (41 Vic., Cap. 21) as  
Amended by The Voters’ Lists Amendment Acts, 1879 and 1885.



**41 VICTORIA, CHAPTER XXI.**

*An Act to give finality to Voters’ Lists, and for other purposes.*

[Assented to 7th March, 1878.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as “The Voters’ Lists Finality Act.”
2. In this Act, unless there is something in the context repugnant to such a construction :
  - (1.) The word “Election,” the words “To Vote,” the words “Corrupt Practices,” and the words “Farmer’s Son,” shall respectively have the meaning given thereto by section two of “The Election Act of Ontario” ;
  - (2.) The word “Voter” shall mean a person entitled to vote, or to be named in the Voters’ List ;
  - (3.) The word “List,” and the words “Voters’ List,” shall respectively mean the alphabetical list referred to in section two of “The Voters’ Lists Act,” or in section four of the Act passed in the fortieth year of Her Majesty’s reign, and chaptered twelve, as the case may be ;
  - (4.) The word “Scrutiny” shall mean any scrutiny of the votes polled at an election within the meaning of sections seventy-two and the nine next succeeding sections of “The Controverted Elections Act of Ontario ;” and
  - (5.) The words “Clerk of the Peace” shall mean the Clerk of the Peace for, and the words “County Judge,” shall mean the Judge of the County Court for the County or Union of Counties within which lies the Municipality for or in respect of which the Voters’ List is made.
3. Every Voters’ List which under this Act, or under sections eleven or twelve of “The Voters’ Lists Act,” or under sections six or eight of “The Voters’ Lists Act of 1876,” was during the twelve months next prior to the passing hereof, or is hereafter certified by the County Judge, shall, upon any scrutiny, be final and conclusive evidence of the right of all persons named therein to vote at any election at which such list was or could have been legally used ; except
  - (1.) Persons guilty of corrupt practices at or in respect of the elec-

tion in question on such scrutiny, or since said list was certified by the County Judge as aforesaid ;

(2.) Persons who at any time subsequently to said list being certified by the County Judge as aforesaid, are or have been non-resident either within the Municipality to which said list relates, or within the electoral district for which the election is being held, and who by reason thereof are under the provisions of "The Election Act of Ontario" incompetent and disentitled to vote.

(3.) (*Repealed.*)

(4.) Persons who, under sections four, five and six of "The Election Act of Ontario" are disqualified and incompetent to vote.

(Sections 4, 5, 6 and 7, and last clause of Section 8, are of temporary application only.)

8. (*In part.*) It shall hereafter be the duty of the County Judge so to arrange and proceed, and so to fix the sittings of the Court for the hearing of complaints against or in respect of any Voters' List, that such complaints shall be heard and determined, and said lists finally revised, corrected and certified under "The Voters' Lists Act," within two months of the last day for making such complaints.

9. To remove doubts it is hereby declared that any Farmer's Son entitled as such to be assessed or to have his name entered in the Assessment Roll of any Municipality, shall be so assessed and shall have his name so entered without any request in that behalf, unless he informs or notifies the Assessor to the contrary ; and any person entitled to be entered in such Assessment Roll or in the Voters' List based thereon, or to vote or to be a voter in the Electoral District in which said Municipality is situate, shall, in order to have the name of such Farmer's Son entered and inserted in such Assessment Roll or list of Voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any Court or to any Judge in that behalf, as such Farmer's Son would or can have personally, unless it is made to appear to the Court or Judge that such Farmer's Son actually disents therefrom ; and the Act passed in the fortieth year of the reign of Her Majesty, chaptered nine, and entitled "An Act to give the right of voting to Farmers' Sons in certain cases," shall be read and construed as if this section had been included therein at the time of the passing thereof.

10. Any voter, and any person entitled to be a voter, and any agent of such voter or person, shall have liberty at all reasonable times and under reasonable restrictions, to inspect and take copies of, or extracts from assessment rolls, notices, complaints, applications, and other papers and proceedings necessary or of use for the carrying out of the provisions of "The Assessment Act," "The Voters' Lists Act," and this Act ; and the Clerk of the Municipality is to afford for the said purposes all reasonable facilities which may be consistent with the

safety of the said documents, and the equal rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the directions and summary jurisdiction of the County Judge.

11. In order to facilitate uniformity of decision without the delay or expense of appeals,

(1.) Any County Judge may state a case on any general question arising, or likely to arise, or expected to arise under "The Voters' Lists Act," or this Act, and may transmit the same to the Lieutenant Governor in Council, who thereupon shall immediately refer the said case to the Court of Appeal or a Judge thereof for the opinion of such Court or Judge thereupon; or

(2.) The Lieutenant-Governor in Council may refer a case on any such general question to said Court of Appeal or a Judge thereof, for a like opinion.

(3.) Immediately upon the receipt of such case it shall be the duty of such Court or Judge to appoint a time and place for hearing arguments (if any be offered) upon the points and matter involved in such case, of which time and place written notice shall be given by the Clerk of said Court posting up a copy of such notice in the office of each one of the Superior Courts at Osgoode Hall, in Toronto, at least ten clear days before the time appointed as aforesaid.

(4.) At the time and place fixed therefor as aforesaid, such Court or Judge shall hear argument upon the case by such and so many of the Counsel present (if any) as such Court or Judge may deem reasonable, and shall thereupon consider the said case and certify to the Lieutenant-Governor in Council the opinion of the Court or Judge thereon; and such opinion shall thereupon be forthwith published in the *Ontario Gazette*, and a copy thereof sent to the Judge of each County Court.

(5.) The said Court of Appeal, or a Judge thereof, may also give an opinion on any such question at the instance of any voter or voters, or person or persons entitled to be voters, if said Court or Judge sees fit; and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred as aforesaid, but, in addition, such Court or Judge may require a deposit of money to cover the costs of hearing the question argued by the Counsel, and may require such notice of the proceedings, or any of them, to be given to such person or persons as the Court or Judge may direct.

12. The Clerk of the Peace, or the Clerk of the Municipality who has the custody of a Voters' List, shall furnish copies thereof to the returning officer in four days after a written application thereof has been delivered to him personally or left for him at his proper office.

13. (*Amendment to Election Act.*)

14. Any person who wilfully and improperly inserts or procures or



causes the insertion of any name in the assessment roll, or assesses or procures or causes the assessment of any person at too high an amount, with intent in either or any such case to give to any person not entitled thereto, an apparent right to vote at any election; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of any name from the assessment roll, or assesses or procures or causes the assessment of any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the County or City for a period not exceeding six months, or to both such fine or imprisonment, in the discretion of the Court.

15. (*As Amended by 42 Vic., Cap. 3, Sec. 6.*) Where it is provided by any by-law or contract under which the Clerk of any Municipality is appointed or employed, that the sum to be paid him by way of salary as such Clerk is intended expressly or impliedly to include payment for all duties which, as such Clerk and under "The Voters' Lists Act," are to be performed by him, either in the preparation, publication and distribution of the list of voters under said Act, or before, upon or after the lodging with him of any complaint or appeal under said Act, or for any other act or work of whatever nature or kind required by the said act to be done by him; then such Clerk shall not, in respect of such duties or work, be entitled to or allowed by the County Judge, nor shall there be taxed to him, any fee, payment, cost or charge whatsoever; but when it is not intended by such by-law or contract to provide for the performance of such above mentioned duties and work, then such Clerk shall be entitled in respect thereof to the following, but to no other fee or compensation, that is to say:

(1.) Two cents for the name of each person entered in the list of complaints and in respect to whom appeal was made.

(2.) Two cents for each such name entered in any necessary copy of said list of complaints.

(3.) Eight cents for each necessary notice to any party complaining or complained against.

(4.) Three dollars for each day's attendance on the sittings of the Court for the revision of the Voters' List.

(5.) And to the actual and reasonable disbursements (if any) necessarily incurred by him in serving the notices of complaint or appeal, when served by himself.

16. The person acting as Constable at the sittings of the Court for

the revision of any Voters' List shall as such Constable be entitled to the following, but no other fees or compensation, that is to say :

(1.) The sum of one dollar and fifty cents for each day's attendance as such constable ;

(2.) For the service of any process or notice including the service, the receipt and the return thereof and all other services connected therewith when allowed by the Judge, a sum not exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service

17. The compensation fixed by the two preceding sections shall be paid to the said Clerk and Constable respectively by the Municipality, the list for which is the subject of investigation ; and the amount of such compensation as certified by the Judge shall be so paid by the Treasurer of the said Municipality upon the production and deposit with him of the Judge's certificate.

**"THE VOTERS' LISTS AMENDMENT ACT, 1879."**



**42 VICTORIA, CHAPTER III.**

*An Act to make further provisions respecting Voters' Lists.*

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

*[Assented to 11th March, 1879.]*

1. This Act may be known and cited as "The Voters' Lists Amendment Act, 1879."

2. The County Judge, at any court held by him for the revision of Voters' Lists, under "The Voters' Lists Act," may without any previous notice of appeal or complaint in that behalf, on an application made by or on behalf of the person named in the lists, correct any mistake which shall be proved to him to have been made, in compiling any Voters' List in respect of the name, or place of abode, or nature of the qualification, or the local or other description of the property, of any person entered on the said list, and against or with respect to whose right to be entered on said list an appeal or complaint is either pending before or being heard by the Judge ; but in any such case, evidence may be produced and given before said Judge that such person has no qualification or no sufficient qualification in law to entitle such person to vote, and if the Judge, on the evidence before him, be of opinion that such person has not such qualification, he shall expunge and strike the name of such person from said list of voters.

3. If on any complaint or appeal to strike out of the list the name of any person entered therein as a voter, the Judge, from any evidence produced and given before him, shall be of opinion that such person is entitled to be entered on said list in any character, or because of property or qualification other than that in which such person is so already entered in said list, the said judge shall not strike the name of such person from said list, but shall make such corrections in the said list as the said evidence in his opinion may warrant with respect to the right, character and qualification of such person to vote.

*Sections 4 to 7 inclusive are in amendment of previous Acts. These amendments are entered and noted in the proper places.*

8. Hereafter the Clerk of each Township Municipality, in making out the list of voters as required by section two of "The Voters' Lists Act," shall, besides complying with section twelve of the Act to amend the Jurors' Act passed in the present session, insert in said list, and according to the form by section nine of this Act provided, a schedule

containing the name, numbered consecutively, of each post office, which by the Assessment Roll appears to be, or within the knowledge or belief of the said Clerk is, the proper post office address of any person entered in said list, and in making out said list of voters shall, according to said form and in the proper column therefor insert opposite the name of each person entered in said list the consecutive number which according to said schedule is that of the proper post office address of such person, so far as such address appears by the assessment roll, or is within the knowledge or belief of the said Clerk as aforesaid; but no appeal or complaint on the ground of any error, mistake or omission in or from the said list in respect of any matter or thing by this section directed to be inserted therein as aforesaid, shall be made or allowed by or under "The Voters' Lists Act," "The Voters' Lists Finality Act," or this Act.

9. *Substitutes form for No. 1 in Schedule to "The Voters Lists Act." The form substituted is given in that Schedule.*

N. B.—Sec. 12 of "The Jurors Act of 1879," referred to in Sec. 8 above is now Sec. 23 of "The Consolidated Jurors Act of 1883," (46 Vict., Cap. 7) and is as follows :

23. In order to facilitate the selection of Jurors, the Clerk shall, in making out the Voters' List, in the column containing the number of the voter on the roll, or in a separate column provided for the purpose beside the same, write or mark the letter "J" upon the Voters' List opposite the name of every male person over twenty one and under sixty years of age who, by such roll appears to possess the property qualification requisite to qualify him to serve as a Juror; and such Voters' List shall shew, at or near the end thereof, the aggregate number of names of persons upon such list qualified to serve on Juries, and in the case of cities and towns the said list shall give the same information for each ward, and it shall not be necessary for the Selectors to refer to any name on the Assessment Roll which has not the letter "J" opposite it in the Voters' List, unless the Selectors suspect that some names are not properly marked, but this section shall not apply to townships where the qualification is ascertained under the 6th section of the Jurors' Act.

THE VOTERS' LISTS AMENDMENT ACT, 1885.

—†o†—

48 VICTORIA, CHAPTER III.

An Act to further amend the Voters' Lists Act.

[Assented to 30th March, 1885.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Voters' Lists Amendment Act, 1885.*

3. The expression "Form 1," in section 2 of *The Voters' Lists Act*, as amended by this Act, shall mean the form of voters' list to be used and made as provided by section 9 of *The Voters' Lists Amendment Act, 1879.*

6. Any landholder's son and any wage-earner entitled as such to be assessed or to have his name entered in the assessment roll of any municipality, shall be so assessed and shall have his name so entered without any request in that behalf, unless he informs or notifies the Assessor to the contrary; and any person entitled to be entered in such assessment roll or in the voters' list based thereon, or to vote or to be a voter in the electoral district in which said Municipality is situate, shall, in order to have the name of such landholder's son or wage-earner entered and inserted in such assessment roll or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any Court or to any Judge in that behalf, as such landholder's son or wage-earner would or can have personally, unless it is made to appear to the Court or Judge that such landholder's son or wage-earner actually dissents therefrom.

8. For the purpose of complying with the provisions and requirements of sections 3 and 4 of "*The Voters' Lists Act*," the clerk of any city shall hereafter have forty days instead of the thirty days in said section 3 mentioned.

12. The several sections and provisions of this Act shall come into force and have effect as follows:

(1.) Section 11 shall come into force and have effect from and after the passing of this Act.

(2.) The remaining sections and provisions of this Act shall come into force and have effect on and after the first day of January next after the passing thereof, except as to any assessment roll or assessment taken or made subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act*; and with regard to any such last mentioned assessment roll or assessment, and any list of voters based thereon, this Act shall

for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force and have effect on and after said first day of July.

Sec. 11 is of temporary application. The remaining sections are in amendment of the previous Acts, and the amendments are entered and noted in their proper places.



### PART III.

—†(†)†—

## MUNICIPAL FRANCHISE.

—†(†)†—

PERSONS ENTITLED TO VOTE AT MUNICIPAL ELECTIONS.

—†(†)†—

Extracts from "*The Consolidated Municipal Act, 1883*," (46 Vic., Cap. 18), as amended by "*The Municipal Amendment Act, 1884*," (47 Vic., Cap. 32.)

79. Subject to the provisions of the next eight sections the right of voting at Municipal Elections shall belong to the following persons, being widows, unmarried women, or males of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, being rated to the amount hereinafter provided on the revised assessment roll, upon which the voters' list used at the election is based, of the Municipality, for real property held in their own right or in the right of their wives, or for income, and having received no reward, and having no expectation of reward for voting :—

*Firstly*.—All persons, whether resident or not, who are at the date of the election freeholders of the Municipality either in their own right or in the right of their wives ;

*Secondly*.—All residents of the Municipality who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, householders or tenants in the Municipality ;

*Thirdly.*—All residents of the Municipality at the date of the election who have continuously resided therein since the completion of the last revised assessment roll therefor, and who are in receipt of an income from some trade, office, calling or profession, of not less than \$400.

*Fourthly.*—All residents of the Municipality at the date of the election who are farmers' sons and have resided in the Municipality on the farm of their father or mother for twelve months next prior to the return by the Assessors of the assessment roll on which the voters' list used at the election is based.

(2.) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote.

(3.) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the only person entitled to vote in respect of such farm.

(4.) Occasional or temporary absence from the farm for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote.

(5.) In this and the four next preceding clauses,

"Farm" shall mean land actually occupied by the owner thereof and not less in quantity than twenty acres ;

"Son" or "Sons," or "Farmer's Son" or "Farmer's Sons," shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm ;

"Father" shall include stepfather ;

"Election" shall mean an election for a member to a Municipal Council ;

"To vote" shall mean to vote at an election ; and

"Owner" shall mean proprietor in his own right or in the right of his wife of an estate for life or any greater estate either legal or equitable, except where the owner is a widow, and in such latter case the word "owner" shall mean proprietor in her own right of any such estate.

80. In order to entitle any person to vote as aforesaid in respect of real property, such property, whether freehold or household, or



partly each, must be rated at an actual value of not less than the following:

In Townships—\$100.

In Incorporated Villages—\$200.

In Towns—\$300.

In Cities—\$400.

81. No person who has been returned by the Treasurer or Collector under Section 118 as in default for non-payment of his taxes on or before the fourteenth day of December next preceding any election, shall be entitled to vote in respect of income in any Municipality or in respect of real property in Municipalities which have passed by-laws under Section 490, Sub-section 2.

82. Except in the case of a new Municipality, for which there is no assessment roll, no person shall be entitled to vote at any election unless he is one of the persons named or purporting to be named in the proper list of voters; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the said list of voters.

83. At the first election of a new Municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property.

84. Where any territory is added for municipal purposes to any city, town or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or in case a new village is formed, and an election takes place before Voters' Lists including the names of persons entitled to vote in such territory are made out for such new or enlarged city, town or village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the city, town or village, or if such town or village had not been erected into a city or town, or if such village had not been formed, shall be entitled to vote in the city, town or village at such election.

85. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act.

86. Where any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

**87.** Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act.

**102.** The only oaths or affirmations to be required of any person claiming to vote in respect of a freehold shall be as follows, or to the like effect :—

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*shewing the list to the voter*) ;

That you are a freeholder in your own right, (or right of your wife, as the case may require) ;

That you are a natural born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years ;

(*In the case of Municipalities not divided into Wards.*)—That you have not voted before at this election, either at this or at any other polling place.

(*In the case of Municipalities divided into Wards.*)—That you have not voted before at this election, either at this or at any other polling place in this ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy Reeve, as the case may be) ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting at this election :

So help you God.

(*In the case of a new Municipality in which there has not been any Assessment Roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.*)

**103.** The oath or affirmation to be required of any person claiming to vote as householder or tenant shall be as follows, or to the like effect :—

You swear (or solemnly affirm) that you are the person named or purporting to be named in the list (or supplementary list) of voters now shewn to you (*shewing the list to the voter*) ;

That on the day 18, (the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction, of the assessment roll upon which the Voters' List used at the election is based) you were actually, truly, and in good faith, possessed to your own use

and benefit as tenant or occupant of the real estate in respect of which your name is entered on the said list ;

That you are (or your wife is) a householder or tenant within this Municipality ;

That you have been a resident within this Municipality for one month next before this election ;

That you are a natural born (or naturalized) subject, &c., (as in sec. 102 to end of oath.)

*(In the case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect to which he claims to vote, and that he is a resident of such Municipality.)*

104. The oath or affirmation to be required of any person claiming to vote in respect of income shall be as follows :

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of ) on the list (or supplementary list) of voters now shewn to you (*showing the list to voter.*)

That on the day of , 18 , (*the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*), you were, and thenceforward have been continuously, and still are, a resident of this Township (City, Town or Village, as the case may be) ;

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling or profession, as the case may be) of a sum of not less than \$400 ;

That you are a subject of Her Majesty by birth (or naturalization, as the case may be), and are of the full age of twenty-one years ;

*(In the case of Municipalities not divided into Wards.)*—That you have not voted before at this election, either at this or any other polling place ;

*(In the case of Municipalities divided into Wards )*—That you have not voted before at this election, either at this or any other polling place in this ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor (Reeve or Deputy Reeve, as the case may be) ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election ;

So help you God.

105. The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows :—

You swear (or solemnly affirm) that you are the person named (or pur-

porting to be named by the name of \_\_\_\_\_ ) in the list (or supplementary list) of voters now shewn to you, (*shewing the list to the voter*);

That on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, (the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction of the assessment roll upon which the Voters' List used at the election is based, as the case requires) A. B. (naming him or her) was actually, truly, and in good faith, possessed to his (or her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters;

That you are a son of the said A. B.;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than four months in all;

That you are still a resident of this Municipality, and entitled to vote at this election;

That you are a subject, &c., (*as in sec. 104 to end.*)

106. Such oaths or affirmations shall be administered by the Returning Officer or Deputy Returning Officer, as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations.

NOTE.—“*The Municipal Amendment Act, 1884,*” (47 Vic., Cap. 32) enacts as follows:—

4. In addition to any other oath or affirmation, which may now be required of any person claiming to vote at a municipal election, the following oath or affirmation may also be required of any widow or unmarried woman—claiming to vote:—

You swear (or solemnly affirm) that you are the person named or purporting to be named in the list (or supplementary list) of voters now shewn to you.

That you are unmarried, (or a widow, *as the case may be.*)

309. Any person shall be entitled to vote on any by-law requiring the assent of the electors who is a male ratepayer, and, at the time of tender of the vote, of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly or indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is at the time of such tender a freeholder, either at law or in equity, in his own right or in right of his wife, of real property within such Municipality of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named, or purported to be named, in the voters' list of electors.

(2.) In case of a new Municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless he possesses the other qualifications above mentioned, and has, at the time of

tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the Deputy Returning Officer ; and the Deputy Returning Officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on such by-law.

310. Any person shall be entitled to vote on any by-law requiring the assent of the electors who is a male ratepayer, and at the time of the tender of the vote is of the full age of 21 years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the Municipality for which the vote is taken for one month next before the vote, and who is or whose wife is a leaseholder of real property within such Municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable ; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the Voters' List.

(2.) The said provisions as to the lease extending for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable, shall not apply to a by-law respecting local improvements, under section 620 of this Act.

(3.) In case of a new Municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he is at the time of tender of his vote a resident of the Municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the Deputy Returning Officer ; and the Deputy Returning Officer shall note such property in the Voters' List opposite the voter's name, at the request of any one entitled to vote on such by-law.

311. Every unmarried woman and every widow who possesses the property qualification and other qualification which would, if she were a male ratepayer, entitle her to vote on by-laws requiring the assent of electors, shall have the same right of voting on such by-laws as male ratepayers, subject to the like conditions and restrictions as apply to male ratepayers, any law, statute or usage to the contrary notwithstanding.

312. Any ratepayer offering to vote in respect of a freehold on any such by-law, may be required by the Deputy Returning Officer or any ratepayer entitled to vote on any such by-law, to make the following

**oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded :—**

**You swear that you are of the full age of 21 years and a natural born (or naturalized) subject of Her Majesty ;**

**That you are a freeholder in your own right (or in the right of your wife, as the case may require), within the Municipality for which this vote is taken ;**

**That you have not voted before on the by-law in this Township (or Ward, as the case may be) ;**

**That you are, according to law, entitled to vote on the said by-law ;**

**That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;**

**That you are the person named, or purporting to be named, in the voters' list of electors ;**

**That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;**

**And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting ;**

*(In case of a new Municipality in which there has not been any assessment roll, then instead of referring to being named in the Voters' List, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote) ;*

**And no enquiries shall be made of any voter except with respect to the facts specified in such oath or affirmation.**

**313. Any ratepayer offering to vote in respect of a leasehold on any such by-law, other than a by-law respecting local improvements, under section 620, may be required by the Deputy Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded :—**

**You swear that you are of the full age of 21 years, and a natural born or naturalized subject of Her Majesty ;**

**That you have been a resident within the Municipality for which this vote is taken for one month next before the vote ;**

**That you are (or your wife is) a leaseholder within this Municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;**

**That you have not voted before on the by-law, &c., (as in Section 312 to end of oath.)**

*(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote*

*may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.*

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation.

**314.** Any ratepayer offering to vote in respect of a leasehold on any such by-law respecting local improvements, under section 620, may be required by the Deputy Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:

You swear that you are of the full age of 21 years and a natural born (or naturalized) subject of Her Majesty;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote;

That you are (or your wife is) a leaseholder within this Municipality, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes;

That you have not voted before, &c., (as in Sec. 312 to end of oath);

(In case of a new Municipality, &c., as in Sec. 313.)

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation.

**490.** (In part.) The Council of every Township, City, Town or Incorporated Village may pass by-laws.

(2.) For disqualifying any elector from voting at municipal elections who has not paid all municipal taxes due by him on or before the fourteenth day of December next preceding the election.



*PART IV.*  


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*EDUCATIONAL FRANCHISE.*

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PERSONS ENTITLED TO VOTE AT ELECTIONS OF PUBLIC AND SEPARATE  
SCHOOL TRUSTEES.

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Extracts from "The Public Schools Act, 1885, (48 Vic.)

CHAPTER 49.

*An Act to Consolidate and Amend the "Public School Act."*

[Assented to 30th March, 1885.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

*Preliminary.*

1. This Act may be cited as "The Public Schools Act, 1885."

2. (*In part.*) In the construction of this Act,

(6.) "Resident" shall include such persons who, though not actually resident in a school section or division, pay a school rate at least equal to the average school rate paid by the actual residents of such section or division.

(7.) "Ratepayer" shall mean an assessed householder, owner or tenant, or any person entered on the assessment roll as a farmer's son, or any person assessed for income.

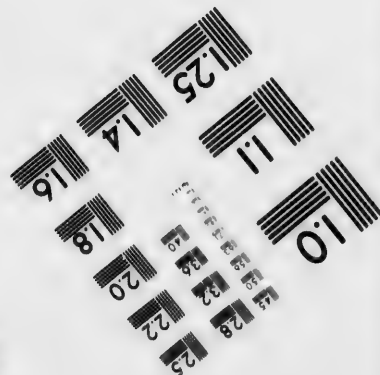
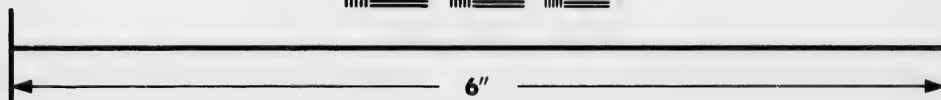
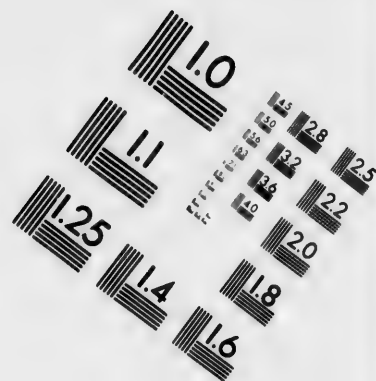
*Rural Public Schools.*

14. Every ratepayer of the full age of twenty-one years, who is a public school supporter within the section for which he is such ratepayer, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting in the said section.

21. In case any objection is made to the right of any person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting or other officer presiding shall require the person whose right of voting is objected to, to make the following declaration or affirmation:

(1.) I, A. B., do declare and affirm that I am an assessed ratepayer (or farmer's son, as the case may be) in school section ———.

(2.) That I am of the full age of twenty-one years.



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(3.) That I am a supporter of the Public School in said School Section No. ———.

(4.) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote.

### *Township Boards.*

57. The election (of members of a Township Public School Board) shall take place annually at the time, in the manner, and as prescribed by this Act, for the election of Trustees in towns divided into wards.

### *Public School Boards in Cities, Towns and Incorporated Villages.*

100. In Cities and Towns divided into wards, and in Townships where Public School Boards exist, the Clerk of the Municipality shall furnish to the Public School Board, within three days after request in writing, the Voters' List for each ward of such Municipality, annexing thereto a list of the names of persons being supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon the Voters' List.

101. In Towns not divided into wards, and Villages, the Clerk of the Municipality shall furnish to the Public School Board, within three days after request in writing, the Voters' List for each polling sub-division in the case of such Town or Village, as provided by the last preceding section.

### 104. *(In part.)*

(4.) *(Referring to elections by ballot as provided in this Section.)*

In the list of qualified voters required by Section 100 of this Act to be delivered to the Returning Officer by the Clerk of the Municipality before the opening of the poll, the Clerk shall place opposite the names of any voters on the said list who have been returned to him as supporters of separate schools, the letters S. S. S. (signifying supporters of Separate Schools) and the Returning Officers shall not deliver to any such a ballot paper for Public School trustees.

105. There shall be elected annually by the assessed ratepayers thereof in each City, Town, Incorporated Village, or Township in which a Township Board is established, one School Trustee for each ward, and in the case of Incorporated Villages not divided into wards three Trustees.

106. In case any objection is made to the right of any person to vote at any election of School Trustees, the Deputy Returning Officer shall require the person whose right of voting is objected to, to make the following oath or affirmation:—

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*shewing the list to voter*);

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a public school supporter;

*In the case of Municipalities not divided into Wards.)* That you have not voted before at this election, either at this or any other polling place, for School Trustee;

*(In the case of Municipalities divided into Wards.)* That you have not voted before at this election, either at this or any other polling place in this ward, for School Trustee;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or refrain from voting at this election.

So help you God.

273. Notwithstanding anything in this Act contained, the law and all Acts and parts of Acts relating to or affecting Roman Catholic Separate Schools, shall for all purposes and in all respects remain, continue and be as if this Act had not been passed.

§—§—

Extracts from "*The Separate Schools Act.*"

REVISED STATUTES OF ONTARIO, CHAPTER 206.

*An Act respecting Separate Schools.*

HER Majesty, by and with the advice and consent of the legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Separate Schools Act.*"

5. None but colored people shall vote at the election of Trustees of any separate school established for colored people, and none but the parties petitioning for the establishment of, or sending children to, a Protestant Separate School, shall vote at the election of Trustees of such school.

*The Statutes from which the following extracts are taken are repealed*

by 48 Vic., Cap. 49, except as "relating to or affecting Roman Catholic Separate Schools":—

Extracts from 42 Vic., Cap. 34.

[Passed and assented to 11th March, 1879.]

An Act respecting Public, Separate and High Schools.

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

2. The right of any person to vote in any Municipality at any election of Public School Trustees, or upon any school question, is extended so as to comprise in addition to the persons now entitled by law, every person named upon "the Voters' List" of such Municipality, and whether entitled to vote at municipal elections or elections to the Legislative Assembly, when such person has been assessed for, and has paid a rate imposed upon him for Public School purposes within the last twelve months, in the ward, town, village or school section in which he is proposing to vote at such election or meeting.

3. In case an objection is made to the right of any person to vote at any such election in any Municipality or upon any other subject connected with Public School purposes therein, the returning officer, chairman, or other officer presiding at the election or meeting, shall require the person whose right of voting is objected to, to make the following declaration or affirmation:

"I, A. B., do declare and affirm that I am the person named in the "certified copy of the Voters' List now shewn to me, [or have been rated "on the last revised assessment roll of this municipality as a freeholder, "(or householder or tenant, or in respect of income, as the case may be),] "and that I am of the full age of twenty-one years, and that I have the "right to vote at this election (or meeting, as the case may be)."

Whereupon the person making such declaration shall be permitted to vote.

4. In cities and towns divided into wards, and in townships where Public School Boards exist, the Clerk of the Municipality shall furnish to the Public School Board, within three days after request in writing, "The Voters' List" for each ward of such Municipality, annexing thereto a list of the names of the persons being supporters of Separate Schools, and also a list of the names, alphabetically arranged, of all freeholders, householders or tenants, and persons entitled to vote in respect of income, rated upon the then last revised Assessment Roll, and not being already upon "The Voters' List."

5. In towns not divided into wards and villages, the Clerk of the Municipality shall furnish to the Public School Board, within three days after request in writing, "The Voters' List" for each polling sub-division in the case of such town or village, as provided by the last preceding section.

6. (*In part.*) The Public School Board shall provide each polling place with the list aforesaid.

7. (*In part.*)

(10.) (*In part.*) In case of any vacancy in the office of Trustee of any Public School Board, the remaining Trustees shall forthwith take steps to hold a new election to fill the vacancy so created.

(11.) (*In part.*) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election.

9. (*In part.*) All the provisions of the Public Schools Act respecting the election of Trustees and the annual meetings in Rural School Sections shall continue to apply to Rural School Corporations.

23. The provisions contained in the fourth, fifth, sixth and seventh sections of this Act shall also apply to Separate School Corporations in Cities, Towns and Villages, and the Trustees thereof; Separate School Corporation or Trustee being substituted for Public School Corporation or Trustee, Separate School Supporter instead of person rated in respect of Public Schools, and Separate School Supporter for Public School Supporter where these expressions respectively occur in such provisions, and the Clerk of the Municipality shall, upon request, furnish to the Separate School Trustees a list of persons being supporters of Separate Schools in each ward or school district, as shewn by the last revised assessment roll, or the notices or lists of Separate School supporters filed in his office.

(2.) The provisions contained in section 9 of this Act shall also apply to and govern the elections and annual meetings of Separate School Corporations in Townships and Rural Sections.

(*The provisions of "The Public Schools Act" (R. S. O., Cap. 204) referred to in sec. 9 (above) are, so far as relates to the qualification of electors in rural school sections, contained in sec. 52, which is as follows*);

No person shall be entitled to vote in any school section for the election of Trustee, or on any school question whatsoever, unless he has been assessed and has paid County, Township or Rural School Section rates as a freeholder, householder, or tenant of such section; and in case an objection is made to the right of any person to vote at a school section meeting, the chairman or presiding officer at the meeting shall, at the request of any ratepayer, require the person whose right of voting is questioned to make the following declaration:

"I do declare and affirm that I have been rated on the assessment roll of this School Section, as a freeholder, (householder or tenant, as the case may be), and that I have paid a public school tax due by me in this section, imposed within the last twelve months, and that I am legally qualified to vote at this meeting."

Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuses to make such declaration, his vote shall be rejected.

## ADDENDUM.



At a meeting of Revising Officers appointed under the Dominion Franchise Act, held in Toronto on 9th November, 1885, the following resolutions were adopted :

“ That in the organized districts no name shall be added to the preliminary list which does not appear in the last revised Assessment Rolls, or last revised List of Voters, unless an application is made in writing by the person desiring to be added, or by some one on his behalf, disclosing grounds which would *prima facie* entitle him to be put on the preliminary Voters' List, and the said application be filed with the Revising Officer.”

“ That the Revising Officer, in receiving the application mentioned in the next preceding resolution, shall only act upon the same when it is supported by a statutory declaration, or such other evidence as may reasonably satisfy the mind of such Returning Officer.”

“ That in Indian Reserves the Revising Officer describe the voter's property on which the votes as the part of the Indian Reserve named, occupied, and possessed by the said voter, or such better description as he can give.”

“ Under Sections 19 and 20, it would appear that evidence cannot be heard to support objections to strike names off the preliminary List of Voters, but, to settle all doubts on the question, it is resolved that as a matter of practice it is advisable that in making the preliminary revision of the Voters' Lists under the Franchise Act, the Revising Officer should not take any evidence in support of applications to strike names off the List. But that all such investigation be deferred to the final revision, such a practice being calculated to save time and expense to the parties interested.”

It was also suggested that, with a proper heading to the preliminary list for each Municipality, the column headed “ Municipality or place where qualification is situate ” may in most cases be omitted ; and that it would greatly facilitate reference on revision to add columns showing the polling subdivisions and assessment numbers.





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